

*Surgeon Gen.'s Office*

AN

EXPOSE OF FACTS,

CONCERNING

RECENT TRANSACTIONS,

RELATING

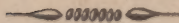
TO THE CORPS OF CADETS OF

THE

UNITED STATES' MILITARY ACADEMY,

AT

WEST-POINT, NEW-YORK.



NEWBURGH, N. Y.,

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1819.

Wm. W. W. W.

EXPOSE OF FACTS

AND

RECENT TRANSACTIONS

AND

THE HISTORY OF

THE

UNITED STATES

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## PRELIMINARY OBSERVATIONS.

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IN November, 1818, THOMAS RAGLAND, of Virginia, CHARLES R. HOLMES, of South-Carolina, CHARLES R. VINING, of Delaware, WILSON M. C. FAIRFAX, of Virginia, and NATHANIEL HALL LORING, of Massachusetts, were elected, by the Cadets of the United States' Military Academy, a Committee, to represent to the Superintendent of the Academy, the treatment which they (the Cadets) had received from captain Bliss, an officer of the United States' Infantry, then in command of the Corps; and likewise to endeavour to prevent, by lawful measures, the repetition of those indignities which formed the subject of their complaint.

The manner of their election was as follows: Paper (A) was given from room to room, and was signed by those who thought it correct, without any advice, and from the free impulse of their feelings and judgment. In reality there was but little wavering. Men of honour could not have been otherwise than indignant at such insults as had been offered them, and but few could, or did, differ in their ideas of the proper means for terminating them. No advice was pretended to be given to any one; men of honour do not receive advice on such occasions. There were no "deliberative assemblies," no "organized combinations." This will appear from the evidence adduced on the trial of Mr. Ragland. One hundred and eighty gentlemen can be called on to prove these assertions by oath or otherwise. It is, therefore, not to be doubted.



The papers which are now printed complete all the correspondence prior and subsequent to the arrest of the Committee. None are withheld. If facts are against them, they will submit without a murmur. But can it really be believed, that when a soldier engages in the service of his country, he forfeits his right of remonstrating against tyrannical oppression, and personal abuse? If such a sentiment should be upheld, and persisted in, how forbidding a prospect would the profession of arms exhibit? What security would any officer have against the foulest indignities? The act forbidding *any* man, or *body* of men, to remonstrate against individual or collective injuries, must appear to the reflecting man, in the highest degree perversive of those general principles of justice, which are peculiar to no clime, but are rather among the first acquisitions of childhood.

These papers are not printed to produce public animadversion. They are intended for the friends of the accused. It were to be wished that the friends of *every* man accused of a crime, should hear his statement as well as that of his accuser. In that case it might be found that *the persecuted and despised, sometimes, like the toad, carry a jewel of honour beneath their outward deformity.*

The letter of Mr. Ragland, marked (T,) is particularly referred to as a comment on the report of major Thayer, marked (R.) Mis-statements should always be corrected; and as Mr. Ragland's letter can be corroborated by a reference to the official documents of the Academy, and by gentlemen of integrity, perhaps he may be believed, although labouring with his friends under the obloquy of official censure.

The Committee, it will be perceived, were arrested, and continued in arrest nearly TWELVE MONTHS. During that period a Court of Enquiry, and a Court Martial were convened for their trial. The Court of Enquiry should be remembered. Its proceedings evinced a *re-*

*kable adherence to law, and right reason.* The Committee were tried, when at their homes, by this Court. THEY WERE NOT ALLOWED THE RIGHT OF DEFENCE; THE GRAND, AND UNIVERSAL RIGHT, MAINTAINED IN EUROPE, AMERICA, AND ALMOST THE WHOLE GLOBE.

A General Court Martial convened in May, 1819, and after examining the case of Mr. Ragland, decided that they, according to their construction of the Rules and Articles of War, had no authority to try Cadets. The Attorney General of the United States, gave his opinion in September. The Court then convened again, and confirmed the opinion they had before expressed. In October, the Court was dissolved. The Committee were ordered to return to duty. This was after their Class had been commissioned. They have since offered their resignations as Cadets.

It may be additionally observed, that the Committee were charged by major Thayer, with disobedience of orders; the major specifying that they did not comply with an order, coming, in fact, through an unofficial and illegal medium. The case stands thus: Major Thayer alleges that he gave Cadet Ragland an order for Mess. Loring, Fairfax, Holmes, and Vining; directing them not to hand him, (major T.) "*a second communication,*" a "*second time.*" Here is an error both *in the Charge,* and *in the application of the supposed order.* Mr. Ragland according to military usage and law, could not communicate an order; and, should he have transmitted one to Mess. Loring, &c. THEY WERE NOT BOUND TO OBEY; because Mr. Ragland had not any command, direct, or implied, over them. If Mr. Ragland, therefore, had given the order, Mess. Loring, &c. could not have been punished for its disobedience. But Mr. Ragland MOST SOLEMNLY DECLARES THAT HE NEVER RECEIVED, NOR COMMUNICATED SUCH AN ORDER. Major Thayer, the only witness on this charge, and, *combining in*



*himself the qualities of* WITNESS *and* PROSECUTOR, merely swears that he gave the order, either direct or implied to Mr. Ragland, but knows nothing of its being *received* by Messrs. Loring, Holmes, Fairfax, and Vining.

But, for the sake of argument, suppose the order to have been given to Mr. Ragland ; suppose him a proper channel for its transmission ; suppose it to have been delivered to Mess. Loring, &c. wherein has it been disobeyed ? There was handed to major Thayer, in a private way, a paper intended by the Committee, if circumstances permitted, as a communication to him. This was a paper, including two others, (F,) and (G ;) and it was, indeed, the second paper prepared for the purpose of being presented to him ; yet it was *only* handed in by *individuals* in the manner stated, and so handed only once ; therefore, Mess. Loring, &c. have disobeyed no orders, even by the most forced and illiberal construction of their conduct. The Executive, however, in the General Order of the 10th of November, 1819, censure Messrs. Loring, Ragland, Vining, Fairfax, and Holmes, for disobedience of orders, although major Thayer was the *only witness* on the charge, and he proved nothing. May not Messrs. Ragland, and Fairfax be deemed “*DELIBERATE LIARS,*” by the same mode of implication ? May not the fairest character be stigmatized for *Rape, Murder, or Robbery*, by the same manner of construction ? Is the assertion of *ONE* *interested* man, better than the solemn asseveration of *FIVE* persons not more interested ? If such proof can be adduced in one case as an evidence of the validity of crime, it may, with equal propriety, have weight in any other case, however destructive of character, or reputation.

To detest virtue, may be deemed a crime against morality, and to abhor vice is our bounden duty in every stage of existence. He who permits local prejudice to warp his estimation of virtue is wanting in a social duty. He who would not detest crime, even though it should

appear robed in the dazzling habilaments of rank, surrenders the independence which alone can render him estimable, and stops the pulse of honour which nature has commanded to palpitate.

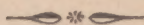
The Committee have suffered for being properly proud of the ennobling title of Americans. They felt that by a complacent endurance of gross personal insults, they would compromit that title; and they were unwilling to do so.

The Committee have been, and are patient; if their characters have been traduced, they answer by FACTS. If their proceedings have been misrepresented by the interested or ignorant, they answer by FACTS. If they have been stigmatized, as mutineers, they demand an investigation of FACTS. Their friends can read these papers and judge; they ask no partiality, conscious of being correct both in principle and action; and assured that real honour will never be despised, they remain in spite of every shaft of detraction, and every act of injustice, "INDEPENDENT and ERECT."





# JOURNAL, &C.



(A.)

UNITED STATES' MILITARY ACADEMY,  
WEST-POINT, Nov. 22d, 1818. }

We the Subscribers to this paper, do vote for the five individuals opposite to our names, as a Committee in our behalf, to represent to the Superintendent of the Academy, the treatment we have received from the Officer in the immediate command of the Corps; and to take such other measures as they may deem urged by our peculiar situation.

<i>Dehart.</i>	Fairfax, C. Vining, Ragland, N. Loring, W. Hunter.	<i>D. Tyler.</i>	Ragland, Fairfax, Vining, C. Holmes, Wm. Hunter.
<i>T. Ragland.</i>	Fairfax, C. Vining, N. Loring, Dehart, R. Brooke.	<i>Holmes.</i>	Ragland, Fairfax, C. Vining, N. Loring, D. Tyler.
<i>Underhill.</i>	Fairfax, C. Vining, Ragland, C. Holmes, Turnbull.	<i>R. Brooke.</i>	C. Vining, Fairfax, Ragland, Cruger, Underhill.
<i>W.M.C. Fairfax.</i>	Wm. Turnbull, Wm. E. Cruger, T. Ragland, C. R. Vining, F. Underhill.	<i>T. Lowndes.</i>	Ragland, Fairfax, Vining, D. Tyler, Tallmadge.

<i>J. Barney.</i>	Ragland, Fairfax, Vining, Brooke, Dehart.	<i>Waties.</i>	Ragland, Fairfax, Vining, Underhill, Turnbull
<i>S. Wragg.</i>	C. Vining, Holmes, Wm. Cruger, Turnbull, Underhill.	<i>Wm. Gaillard.</i>	C. Vining, Fairfax, T. Ragland, N. Loring, F. Underhill.
<i>R. Lowndes.</i>	C. Vining, T. Ragland, W. Fairfax, W. E. Cruger, Holmes.	<i>Wm. A. Elliason.</i>	Fairfax, Vining, Ragland, W. G. Hunter, Tyler.
<i>J. Vail.</i>	Fairfax, C. Vining, T. Ragland, N. Loring, C. Rutledge Holmes.	<i>J. R. Ingalls.</i>	W. C. Fairfax, C. Vining, T. Ragland, N. Loring, C. Holmes.
<i>John H. Hewett.</i>	Fairfax, C. Vining, T. Ragland, N. Loring, C. Holmes.	<i>D. H. Vinton.</i>	W. C. Fairfax, C. Vining, T. Ragland, N. Loring, C. Holmes.
<i>Eustis Trenor.</i>	Fairfax, Turnbull, Underhill, Holmes, Cruger.	<i>T. Monias.</i>	Fairfax, Ragland, Loring, Vining, Holmes.
<i>C. G. Pierce.</i>	Fairfax, Turnbull, Underhill, Holmes, Cruger.	<i>J. McKenzie.</i>	Fairfax, Ragland, Vining, Loring, Holmes.

	Fairfax, Ragland,		N. Loring, C. Vining,
<i>Wm. H. Kerr.</i>	Vining, Loring, Holmes.	<i>Wm. W. Morris.</i>	Fairfax, Holmes, Ragland.
	Wilson C. Fairfax, Loring,		N. Loring, Ragland,
<i>Henry L. Irwin.</i>	Vining, Ragland, Holmes.	<i>J. M. Tufts.</i>	Fairfax, C. Vining, C. Holmes.
	N. Loring, C. Vining,		T. Ragland, Vining,
<i>G. Morris.</i>	Fairfax, Ragland, C. Holmes.	<i>Worthington.</i>	Loring, Fairfax, Dehart.
	N. Loring, C. Vining,		T. Ragland, Fairfax,
<i>T. J. Harman.</i>	C. Holmes, T. Ragland, Fairfax.	<i>Chs. Guerrant.</i>	C. Vining, N. Loring, W. Cruger.
	N. Loring, C. Vining,		N. Loring, Fairfax,
<i>T. B. Whedock.</i>	C. Holmes, T. Ragland, Fairfax.	<i>Wm. Lacey.</i>	Ragland, C. Vining, A. Woolley.
	T. Ragland, Fairfax,		N. Loring, Fairfax,
<i>H. Hobbs.</i>	Loring, Holmes, Vining.	<i>F. Searle.</i>	Ragland, Vining, Holmes.
	N. Loring, Fairfax,		Fairfax, Ragland,
<i>E. Massey.</i>	Ragland, Vining, Holmes.	<i>Coolidge.</i>	Loring, Vining, Holmes.



<i>C. Dimmock.</i>	Fairfax, Ragland, Loring, Vining, Holmes.	<i>H. Coulter.</i>	Fairfax, Ragland, Loring, Vining, Holmes.
<i>Bowes.</i>	Fairfax, Ragland, Loring, Vining, Holmes.	<i>E. Morton.</i>	Fairfax, Ragland, Vining, Loring, Holmes.
<i>Rogers.</i>	C. Vining, Fairfax, Ragland, Holmes, Underhill.	<i>T. Noel.</i>	Fairfax, Vining, Ragland, Holmes, N. Loring.
<i>E. Feltus.</i>	Fairfax, Elliason, Ragland, Woolley, Holmes.	<i>John W. Fales.</i>	Fairfax, Ragland, Loring, Holmes, Vining.
<i>Hall.</i>	C. Vining, Fairfax, Ragland, Holmes, Loring.	<i>James H. Cooke.</i>	C. Vining, Fairfax, Ragland, Holmes, Loring.
<i>John Woolcott.</i>	Underhill, Loring, Holmes, Ragland, Fairfax.	<i>D.W. Allanson.</i>	Vining, Ragland, Holmes, Fairfax, Loring.
<i>Rob.A. Thruston.</i>	Vining, Ragland, Holmes, Fairfax, Loring.	<i>H. Brewerton.</i>	Fairfax, Ragland, C. Vining, N. Loring, Holmes.

<i>J. A. Dumeste.</i>	Fairfax, Ragland, C. Vining, N. Loring, Holmes.	<i>J. B. Scott.</i>	Woolley, Elliason, Vining, Loring, Ragland.
<i>W. Bourue.</i>	N. Loring, Ragland, Vining, Donaldson, Fairfax.	<i>H. Bainbridge.</i>	Fairfax, Vining, Ragland, Loring, Holmes.
<i>T. Wright.</i>	Fairfax, Vining, Ragland, Loring, Holmes.	<i>S. M. Capron.</i>	Fairfax, Vining, Ragland, Loring, Underhill.
<i>T. Rodney.</i>	Fairfax, Ragland, Vining, Loring, Holmes.	<i>R.D.C. Collins.</i>	Fairfax, C. Vining, Ragland, Loring, Holmes.
<i>J. Mansfield.</i>	Fairfax, C. Vining, Ragland, Loring, Holmes.	<i>Hepburne.</i>	Fairfax, Ragland, N. Loring, Holmes, Vining.
<i>T. Morris.</i>	Fairfax, Ragland, N. Loring, Holmes, Vining.	<i>A. B. Skinner.</i>	Fairfax, Ragland, Holmes, Vining, Edson.
<i>J. Pentland.</i>	Fairfax, Ragland, Loring, Vining, Underhill.	<i>W. S. Maitland.</i>	Fairfax, Vining, Ragland, Holmes, _____.

<i>T. F. Johnson.</i>	Fairfax, Vining, Ragland, Holmes. Turnbull.	<i>T. F. Buck.</i>	Fairfax, Vining, Holmes, Turnbull, Ragland.
<i>G. Wade.</i>	Fairfax, Vining, Holmes, Turnbull, Ragland.	<i>G. Wright.</i>	Fairfax, Vining, Holmes, Turnbull, Ragland.
<i>Sam. C. Ellis.</i>	Loring, Ragland, Turnbull, Holmes, Fairfax.	<i>D. Hunter.</i>	Loring, Underhill, Ragland, Holmes, Fairfax.
<i>J. W. Fulton.</i>	Fairfax, Vining, Ragland, Holmes, Turnbull.	<i>W. H. Hunt.</i>	Fairfax, Vining, Ragland, Holmes, Turnbull.
<i>J. R. Stevenson.</i>	Fairfax, Ragland, Turnbull, Holmes, Loring.	<i>B. Wright.</i>	Loring, Woolley, Holmes, Ragland, Underhill.
<i>W. Scott.</i>	Loring, Fairfax, Holmes, Ragland, Vining.	<i>A. K. Woolley.</i>	Loring, Ragland, Holmes, Vining, Fairfax.
<i>Constan. Smyth.</i>	Loring, Fairfax, Holmes, Ragland, Vining.	<i>H. J. Feltus.</i>	Loring, Fairfax, Ragland, Vining, Holmes.





## ( B )

WEST-POINT, Nov. 22d, 1818.

We, the undersigned, vote for the five, opposite our names respectively, to compose a Committee to wait upon the Superintendent of the Academy, on our behalf, to represent the treatment we have received from the Commandant of the Corps of Cadets, and to take such other measures as the necessity of the case, and military propriety may suggest.

<i>Wm. E. Cruger.</i>	Fairfax, Vining, Ragland, Wm. Turnbull, Woolley.	<i>W. Turnbull.</i>	Vining, Ragland, Fairfax, Cruger, Woolley.
<i>Lewis Morris.</i>	Ragland, Vining, Loring, Fairfax, Wm. Cruger.	<i>J. L'Engle.</i>	Ragland, Vining, Fairfax, Turnbull, Woolley.
<i>J.F. Hamtramck.</i>	Ragland, Vining, Fairfax, Woolley, Holland.	<i>J. Henshaw.</i>	Fairfax, Vining, Ragland, Woolley, Turnbull.
<i>John C. Holland.</i>	Fairfax, Vining, Ragland, Woolley, Turnbull.	<i>G. W. Whittler.</i>	Vining, Ragland, Fairfax, Woolley, Turnbull.
<i>J. Grier.</i>	Fairfax, Ragland, Vining, Cruger, Turnbull.	<i>W. Gwynn.</i>	Fairfax, Ragland, Vining, Woolley, Turnbull.

<i>B. E. Person.</i>	Fairfax, Vining, Turnbull, Ragland, Woolley.	<i>J. E. Newell.</i>	Fairfax, Vining, Turnbull, Ragland, Woolley.
<i>J. B. Dusenberry.</i>	Fairfax, Vining, Turnbull, Ragland, Donelson.	<i>F. Green.</i>	Fairfax, Turnbull. Woolley, Ragland, Cruger.
<i>J. Edwards</i>	Fairfax, Vining, Ragland, Turnbull, W. Cruger.	<i>G. D. Ramsay.</i>	Fairfax, Vining. Ragland, Loring, Turnbull.
<i>S. A. Chambers.</i>	Fairfax, Vining, Ragland, Loring, Turnbull.	<i>W. Stith.</i>	Fairfax, Vining, Ragland, Loring, Underhill.
<i>W. G. Hunter.</i>	Fairfax, Vining, Loring, Cruger, Hamtramck.	<i>R. W. Allston.</i>	Fairfax, Vining, Loring, Cruger, Hamtramck.
<i>A. J. Donelson.</i>	Fairfax, Ragland, Woolley, Turnbull, W. E. Cruger.	<i>J. Baker.</i>	Fairfax, Ragland, Woolley, Turnbull, Loring.
<i>D. Wallace.</i>	Fairfax, Ragland, Loring, Turnbull, Vining.	<i>W. Tallmadge.</i>	Fairfax, Ragland, Loring, Hunter, Vining.



<i>J. J. Abercrombie.</i>	Fairfax, Ragland, Vining, Loring, Baker.	<i>C. Vining.</i>	Fairfax, Ragland, Loring, Turnbull, Cruger.
<i>M. S. Livingston.</i>	Fairfax, Ragland, Loring, Edson, Vining.	<i>C. B. Shaw.</i>	Fairfax, Ragland, Loring, Hunter, Vining.
<i>Jasper Strong.</i>	ditto.	<i>Henry Gilbert.</i>	—————.
<i>Wm. H. Swift.</i>	Fairfax, C. Holmes, Turnbull, Vining, Loring.	<i>M. A. Jones.</i>	Fairfax, Ragland, Turnbull, Vining, Loring.
		<i>H. Carlton.</i>	ditto.
		<i>E. D. Clarey.</i>	do.
		<i>H. Lincoln.</i>	do.
<i>Wm. Ross.</i>	Fairfax, Ragland, Hunter, Vining, Loring.	<i>James Blaney,</i>	—————.
<i>A. M. Wright,</i>	Ditto.		Fairfax, Ragland,
<i>G. W. Folger,</i>	do.	<i>Jonathan S. Bean.</i>	Turnbull, Vining, Loring.
<i>A. Edson,</i>	do.		
<i>E. C. Ross,</i>	do.	<i>Edward S. Peers.</i>	ditto.
<i>Winder,</i>	do.		Vining, Loring,
	Vining, Ragland,	<i>Barbarin.</i>	Ragland, Fairfax, Hunter.
<i>Julius Ad. Lagnel.</i>	Loring, Fairfax, Hunter.	<i>S. B. Fillibrown.</i>	Ditto.
<i>Canfield.</i>	Ditto.	<i>James Wood.</i>	do.
<i>Bell.</i>	do.		
<i>J J. James.</i>	do.		

<i>E. Mason.</i>	Ragland, Vining, Fairfax, Loring, Turnbull.	<i>P. Buchanan.</i>	Ragland, Fairfax, Vining, Loring, Holmes.
<i>A. Long,</i>	ditto.	<i>H. Tyler.</i>	ditto.
<i>George A. McCall,</i>	do.	<i>N. Tyler.</i>	do.
<i>J. Prescott,</i>	do.	<i>A. Phillips.</i>	do.
<i>H. Day,</i>	do.	<i>R. Conant.</i>	————.
<i>George Taylor.</i>	Ragland, Vining, Fairfax, Woolley, Holmes.	<i>Brockenborough.</i>	Vining, Fairfax, Loring, Holmes, ————.
<i>E. Mansfield.</i>	Ragland, Vining, Fairfax, Loring, Holmes.	<i>Lindsay.</i>	Ragland, Vining, Fairfax, N. Loring, Holmes.



## CONSOLIDATION.



WILSON MILES CARY FAIRFAX,	- - - -	172	Votes.
THOMAS RAGLAND,	- - - -	168	do.
CHARLES RIDGELEY VINING,	- - - -	164	do.
NATHANIEL HALL LORING,	- - - -	134	do.
CHARLES RUTLEDGE HOLMES,	- - - -	105	do.
WILLIAM TURNBULL,	- - - -	44	do.
WILLIAM G. HUNTER,	- - - -	19	do.
AARON KITCHEL WOOLLEY,	- - - -	18	do.
WILLIAM E. CRUGER	- - - -	16	do.
FREDERICK A. UNDERHILL,	- - - -	14	do.

WILLIAM C. DE HART,	-	-	-	-	3	Votes.
ROBERT S. BROOKE,	-	-	-	-	3	do.
DANIEL D. TYLER,	-	-	-	-	3	do.
WILLIAM ALEXANDER ELLIASON,	-	-	-	-	2	do.
ANDREW JACKSON DONELSON,	-	-	-	-	2	do.
ALVIN EDSON,	-	-	-	-	2	do.
JOSHUA BAKER,	-	-	-	-	2	do.
JOHN FRANCIS HAMTRAMCK,	-	-	-	-	2	do.
GEORGE WASHINGTON TALLMADGE,	-	-	-	-	1	do.
RAWLINS LOWNDES,	-	-	-	-	1	do.
JOHN C. HOLLAND:	-	-	-	-	1	do.

W. M. C. FAIRFAX,	} Committee.
T. RAGLAND,	
C. R. VINING,	
N. H. LORING,	
C. R. HOLMES.	

( C. )

WEST POINT, 24<sup>th</sup> Nov. 1818.

With a proper respect for their superiors, and after consulting the regulating laws of the army, a large majority of the Cadets of the Military Academy, beg leave to lay before the Superintendant a statement of their grievances.

The Military Academy has heretofore been considered the nursery of our army; where young gentlemen of the highest prospects in life, should be proud and emulous to enrol themselves; in which the sentiments of honor should be cherished; so that its students might revolt equally at personal ignominy, and national degradation. It is to this Seminary that the American people have been taught to look for their protectors; protectors who should be too proud to be treacherous, and too noble to be cowards. And it has, with propriety, been believed, by the intelligent Statesmen of our Republic, that the field of warfare is the proper theatre of genius; that the profession of arms is that in which the highest qualities of the mind are exerted; where virtue flour-



ishes best ; and where the noble soul, jealous of its rights, preserves its purity separate from the sordidness of life. When the present Cadets received their official passport to its duties, their parents permitted them to accept, under the impression that they were here to be nurtured in the rudiments of honor, and instructed in an abhorrence of disgrace : They thought their feelings were not to be trampled upon ; and with confidence sent their children to an Institution, where an honest pride would be implanted in them, and where their spirits would not cower under injuries, to become the soldier of their country.

Under the influence of these ideas we embraced, with pride and alacrity, the military life ; we came here, we formed friendships, we performed our duties, submitted cheerfully to necessary hardships, and were happy whilst we continued uninjured. But these flattering prospects, which gave a zest to our pleasures, have been in a measure clouded, by the undeserved, and unauthorized treatment, which we have received from the Commandant of the Corps of Cadets. The act of violently pushing from the railings of the barracks, a Cadet, and the subsequent forcible expulsion from his quarters, of a young man of the first respectability and honor, may perhaps be deemed sufficient indications of the course which he intends pursuing. Such treatment is not authorized from an officer to a soldier in the ranks ; and, with due respect, we consider ourselves, as gentlemen Cadets, and as members of families, wronged and abused. On Sunday the 22d instant, on the forenoon drill, the Commandant violently seized by the collar, shook, jerked, and publicly damned, one of our number. The conduct of this Cadet was, to the conviction of those near, by no means disorderly, and hardly deserving the slightest reprimand ; but we do conceive, that no possible conduct, other than mutiny, could afford the slightest pretence for the measures pursued by the Commandant. On retiring to his quarters, the Cadet was imprisoned in a dark room, and denied a light, or books, until further orders, and as we hear, under a charge of mutinous conduct.

That his conduct on drill was as we have stated ; that he was, to all appearance, perfectly unconscious of having committed an offence ; that he was entirely free from any mutinous conduct, will be testified by many, whose veracity cannot be doubted. When the mind tamely acquiesces in personal indignities, it becomes weakened ; the energies commence their decline, the virtues are enfeebled, and officers who are governed by blows, must be destitute of all that should character-

ize a soldier or a man of honor. From these considerations, and from what we conceive to be the contract between the government and ourselves, as its servants; from the principles of pride and honor, which were inculcated by our parents, and in which we have been educated, we remonstrate, and ask redress of the only one, from whom we can confidently hope to obtain it, the Superintendant of the Military Academy.

We are, with respect,

WILSON M. C. FAIRFAX.	} Committee of Cadets.
CHARLES R. VINING.	
THOMAS RAGLAND.	
CHARLES R. HOLMES.	
NATHANIEL H. LORING.	



( D )

WEST POINT, Nov. 24th, 1818.

We do hereby certify on honor, that on or about the 25th of October, 1818, captain John Bliss, without the least possible provocation, did throw stones at us, and at several other Cadets of the Military Academy.

*Signed,*

P. M' CORMICK.

D. MONIAC.

WEST POINT, Nov. 24th, 1818.

I do certify on honor, that captain Bliss did, on Sunday the 22d of November, 1818, whilst on batallion drill, seize me by the collar, jerk me violently out the ranks, and shake me for some time. When I asked him, if this was the manner in which I should be used? he said, "Yes, God damn you."

*Signed,*

E. L. NICHOLSON.

WEST POINT, Nov. 24th, 1818.

I, Westwood Lacey a Cadet of the United States, Military Academy, do hereby certify on honor, that on or about the 15th day of October, 1818, I was sitting on the railing of the south barracks, at which time captain John Bliss of the 6th regiment of the United States' infantry, Commandant of the Corps of Cadets, passed me; and on getting behind me, violently pushed me off; I had not saluted him, but I had

barely sufficient time to do so : And that in any other manner than this I had not given him the slightest provocation.

*Signed,*

W. A. LACEY.

WEST POINT, Nov. 24th, 1818.

I do certify on honor, that the above statement is correct, and that captain Bliss pushed cadet Lacey off the railing, without the appearance of passion much excited.

*Signed,*

EDWARD C. ROSS, *Cadet.*

WEST POINT, Nov. 24th, 1818.

I certify on honor, that captain John Bliss did, on the morning of the 14th of November, order me from his quarters in an insulting manner, and with menacing gestures, and without having given me time to obey his orders, he violently seized, and thrust me out of his room.

*Signed,*

JAMES T. WORTHINGTON, *Cadet.*

WEST POINT, Nov. 24th, 1818.

I do certify on honor, that the above statement is correct.

*Signed,*

MUSCO G. TALIAFERRO.

Here should be entered copies of several certificates handed to the Committee, which are mislaid ; one from Mr. Cruger, in support of 1st Specification of the charge against captain John Bliss, and two others, from Messrs. Worthington and Nicholson, which are subsequently referred to.



( F. )

# MILITARY ACADEMY,

WEST POINT, Nov. 26th, 1818.

SIR, One hundred and eighty Cadets, through their Committee, present the enclosed charge against captain John Bliss, of the 6th regiment, United States' infantry ; and they confidently hope, the Superintendent of the Academy will sufficiently notice the injuries they have received, to do them justice.

They believe the rank of persons presenting charges, not material ; that it is only necessary to shew the facts of import worthy the cognizance of a military court, and that those facts are supported by indisputable evidence.

Should the officer, to whom they have appealed, refuse them attention, they owe him the candor to say, that although in *his* opinion, it may be an adherence to military propriety, yet the impending degradation arising out of the impunity, with which the officer complained of would insult and oppress them, must be avoided.

If we remain in our country's service, let the military law protect us; and if it be inexpedient that it should so, we would enjoy the rights of private citizens.

Our measures are not dictated by the effervescence of passion; they proceed from a determination founded on principle: We will proceed on that principle to the verge of right; supporting our views with all the influence attainable; and, if necessary, sacrifice our individual interest in the cause we have undertaken.

We are,

With the highest consideration,

Your very humble and obedient servants.

CHARLES R. HOLMES,

NATHANIEL HALL LORING,

THOMAS RAGLAND,

CHARLES R. VINING,

WILSON M. C. FAIRFAX.

*Committee of Cadets.*



( G. )

WEST POINT, Nov. 26th, 1818.

*A Charge preferred against Captain JOHN BLISS of the 6th Regt.  
United States' Infantry.*

CHARGE.

Un-officerlike and ungentlemanlike conduct.

*Specification 1st.*—In this, that he the said Capt. John Bliss, of the 6th Regt. United States Infantry, did, on or about the 26th of October 1818, without the least possible provocation, throw stones at several of the Cadets of the Military Academy; which conduct produced the effect of rendering him less respectable as a commanding officer, and wounded deeply the feelings of those under his command.

*Specification 2d.*—In this, that he, the said Capt. John Bliss, of the



6th Regt. United States Infantry, did, on or about the 15th day of Oct. 1818, maltreat cadet Westwood Lacey of his command, by violently throwing him off the railings of the south barracks of the cadets.

*Specification 3d.*—In this, that he, the said captain John Bliss of the 6th regiment United States infantry, did, on or about the 14th day of October 1818, order from his quarters in an insulting tone and menacing manner; and, without allowing time for the obedience of this order, seize and thrust out of his room, cadet James T. Worthington of his command.

*Specification 4th.*—In this, that he the said captain John Bliss of the 6th regiment United States' infantry, did, on or about the 22d day of November 1818, whilst on battalion drill, in the presence of the corps of Cadets, seize by the collar, jerk out of the ranks and publicly damn cadet Edward L. Nicholson of his command.

*Signed,*

THOMAS RAGLAND,  
WILSON M. C. FAIRFAX,  
NATHANIEL H. LORING,  
C. R. VINING,  
C. R. HOLMES,

} Cadets, and  
Members of the  
Committee  
} in behalf of the  
corps of Cadets.



( II )

MILITARY ACADEMY,

WEST-POINT, Nov. 27th, 1818.

### ORDERS.

The Major commanding feels himself called upon to notice the extraordinary proceedings, which have taken place at this Institution, within a few days past, with a degree of astonishment, which all men, not to say those of the military profession, must participate; he has witnessed the combination of a considerable number of the young men, forming themselves, as it were, into a deliberative assembly, corresponding with him, through the medium of an organized Committee, and even dictating to him the measures, which they consider proper for him to pursue. It can scarcely be necessary for him to state, that proceedings of this kind are in direct violation of all military principles, and yet he would willingly indulge the belief, that a great portion of those, who have given them their countenance and support, are not entirely aware of the danger to which they expose themselves by so

doing: To promote, or even to join in any combination, or system of measures, having in view the slightest opposition to the constituted authorities, is not only in a military, but in a civil point of view, a crime of the first order; and it ought to be recollected by every one, here present, that the same Code of laws which prescribes our individual rights, denounces death upon those who offend in this particular.

If the young men, who are said to have entered into the present combination, suppose that they have not offended in this particular, they have either misapprehended the instructions given to their Committee, or that Committee have exceeded those instructions; one or the other of these conclusions the Major commanding is inclined to admit; for he cannot believe, that they have intentionally adopted a step, ruinous as this would be in its consequences to themselves. With respect to the Committee however, the same excuse cannot be pleaded. They appear to have erred knowingly and intentionally; and there is even reason to believe, that their influence has been employed in seducing others from the path of duty.

What steps may be taken with respect to a dereliction so gross, remains to be determined hereafter; and in the mean time, the persons here referred to, viz. Cadets Holmes, Loring, Ragland, Vining, and Fairfax, will consider themselves in arrest, and will absent themselves, from this Post within six hours from this time, and proceed directly, without delay, to the places of residence of their respective guardians, where they will remain until further orders.

The Major commanding cannot close this order, without cautioning the Cadets against the repetition of that conduct, which, in a second instance, must draw down upon them the severe infliction of **MILITARY LAW**.

He enjoins it upon them, to give a zealous and faithful attendance upon their Academical and Military duties; to abstain from all meetings, and assemblies of Cadets, for purposes of joint deliberation; to withhold their names from papers, and representations of any kind, and he forbids each and all of them, drawing up, or circulating such papers, or acting, on any occasion, as the Committee of the Cadets, without special permission so to do. The violation of these rules, although in a single instance it may be looked upon as the mere ebullitions of ardent and youthful feelings, will become criminal in the repetition; and the Major commanding sincerely hopes, that he may not

hereafter be called upon to view it in this light. At the same time, should this be found necessary, and with the view of correcting any erroneous impressions on this subject, he hereby declares, that any deviation from their true spirit and meaning, shall, in every instance, be dealt with according to the strictness of Law Martial. *Signed,*

*By order,*

JAMES D. GRAHAM, *Lt. & Post Adj't.*

( I )

*Substance of an Order.*

The residence of cadets Fairfax, Loring, Ragland, Holmes, and Vining, at Mr. North's, or in the vicinity of this Post, is forbidden.

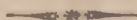
They will leave their present residence in one hour.

Nov. 28th, 1818.

*Signed,*

S. THAYER.

The Committee were only awaiting the arrival of the steam boat in the evening; and in the morning on which the order was issued it was raining very fast. The Committee were refused a copy of the above order.



( E )

WEST POINT, Nov. 27th, 1818.

It has been asserted in the orders read this day before the battalion, that the members of the Committee appointed by us, had probably used their influence in persuading us to take the steps which we have taken. We, the undersigned, do therefore affirm, upon our word of honor, that no influence was ever employed, in persuading us to take those steps, and that in so doing we did not think it was at all contrary to military discipline.

*Signed,*

Joshua Baker,  
Nich. P. Trist,  
David Wallace,  
A. K. Woolley,  
J. C. Holland,  
W. E. Cruger,  
A. Edson,  
W. G. Hall,  
Armistead Long,

J. Nichols,  
R. W. Allston,  
Julian Henry,  
James Henshaw,  
S. Mc'Rea,  
C. Graham,  
J. Grier,  
George Stickney,  
A. Lincoln,

J. W. Fales,  
R. D. C. Collins,  
A. J. Donelson,  
G. W. Folger,  
N. Tyler,  
George Wade,  
J. H. Winder,  
M. A. Jones,  
A. Graham,

Jasper Strong,  
 J. A. Dumeste,  
 William Rose,  
 H. Buswell,  
 Thomas Wright,  
 Wm. Wall,  
 T. H. B. Latrobe,  
 Francis Lee,  
 S. M. Capron,  
 G. W. Talmadge,  
 Henry Clark,  
 H. D. Burke,  
 Chas. Diqnmock,  
 Geo. Taylor,  
 A. M'Wright,  
 W. E. Chipley,  
 D. D. Tompkins,  
 Julius A. Lagnel,  
 Wm. C. Young,  
 E. D. Clarey,  
 F. W. Allanson,  
 Charles B. Shaw,  
 J. B. Hopson,  
 J. J. Abercrombie,  
 L. Morris,  
 S. B. Dusinberry,  
 S. A. Hobart,  
 S. B. Fillebrown,  
 D. M. Porter,  
 W. G. Hunter,  
 J. F. Hamtramck,  
 James Wood,  
 G. D. Ramsay,  
 J. Craig,  
 James Scott,  
 J. Prescott,  
 J. M. Edwards,  
 B. E. Person,  
 J. Newell,  
 J. A. Phillips,

H. Carlton,  
 W. S. Mantland,  
 W. Gwyn,  
 Wm. Turnbull,  
 E. B. Birdsall,  
 H. B. Tyler,  
 M. L. Livingston,  
 Farnifold Greene,  
 J. J. Reynolds,  
 Enoch Mason,  
 A. Brockenbrough,  
 Richard C. Cross,  
 A. Canfield,  
 Charles Radcliffe,  
 J. J. James,  
 Constantine Smith,  
 J. F. Scott,  
 J. A. Chambers,  
 D. Tyler,  
 A. R. Skinner,  
 B. H. Wright,  
 T. Edwards,  
 W. J. Scott,  
 H. S. Coulter,  
 R. Hunt,  
 P. Buchannan,  
 C. Burdine,  
 Edward Morton,  
 W. H. Kerr,  
 S. Wragg,  
 M. T. Anderson,  
 J. H. Cooke,  
 T. J. Harman,  
 T. Rodney,  
 T. F. Johnson,  
 T. Noel,  
 J. Pickell,  
 J. B. Scott,  
 H. Day,

George Wright,  
 Wm. H. Swift,  
 J. L. M'Comb,  
 W. Bourne,  
 E. Massey,  
 J. Vail,  
 J. M'Kenzie,  
 T. F. Buck,  
 R. Thurston,  
 H. Hobbs,  
 Wm. Malcolm,  
 St. C. Denny,  
 G. F. Lindsey,  
 C. Guerrant,  
 H. L. Irwin,  
 William Stith,  
 J. Pentland,  
 E. Fellus,  
 J. H. Hewitt,  
 J. S. Hepburne,  
 J. R. Bowes,  
 E. Hawkins,  
 T. Ingalls,  
 G. Whistler,  
 T. B. Wheelock,  
 W. W. Morris,  
 C. G. Pierce,  
 J. L. Bean,  
 F. Searle,  
 S. C. Ellis,  
 D. Moriac,  
 D. Hunter,  
 E. D. Root,  
 J. R. Stephenson,  
 Eustis Trainor,  
 H. Bainbridge,  
 W. A. Elliason,  
 J. W. Fulton,  
 J. A. Wilkin,



( K )

To Cadets W. M. C. FAIRFAX, C. R. VINING, THOMAS  
RAGLAND, NATH'L. H. LORING, and C. R. HOLMES.

GENTLEMEN,

With feelings of the deepest regret, we realize your departure from among us ; but you go not alone, you have won our confidence and esteem, by conduct worthy of yourselves, and the cause you have undertaken. In that cause you sacrifice nothing, if the wishes and exertions of fellow students avail ; we feel the same resolution, which called forth that noble exertion of soul, and bade you offer your individual welfare in our behalf. Too deeply do we feel our obligation, when with pain and mortification, we own our inability to make you that return we could wish ; but we pledge our sacred word, to aid you in the common cause, to withhold no exertions or sacrifice, which our situation may require : We will animate each other to follow the path you have so nobly dared, for your honor's sake ; and it is with grateful hearts we reflect, however debased our situation is, it is not in the power of an individual to blast *your* reputation. No ! there are those who cannot be deceived, who will bear it up under the frown of the world, and with triumph proclaim it unsullied. Enjoy then the benefit of that firmness of soul, that rectitude of principle, with which you are so eminently endowed. We would each of us take an affectionate adieu. But we cannot suppress the hope, that our separation will be as short as it is painful. We would, however, offer our sincere thanks for your steady adherence, your implicit obedience to our wishes, in every particular of your conduct, as a Committee, and to enjoin you to adhere to our cause, as long as consistent with that rectitude of conduct, that has ever characterized you. After four years acquaintance, to part with you, would call forth tears sacred to friendship, were they not suppressed *by a nobler feeling*, a resolution to sacrifice every thing but *that pride of spirit* which never can be broken by scourge, that feeling of honor, which should ever distinguish the Gentleman and the Soldier. With this resolution, and with the firmest reliance on your exertions, we bid you adieu, with the feeling, love, respect, and esteem, which we hope will ever be felt for such distinguished merit.

W. E. Cruger,  
R. Lowndes,

G. Wright,  
J. Pentland,

Thos. R. Ingalls,  
H. L. Irwin,

E

W. A. Eliason,  
 Daniel Tyler,  
 W. J. Scott,  
 David Vinton,  
 Robert S. Brooke.  
 J. M'Kenzie,  
 J. C. Holland,  
 Thomas Noel,  
 F. Emmerson,  
 T. F. Buck,  
 T. F. Johnson,  
 G. M'Lean  
 F. Searle,  
 J. Barney  
 Thomas Lowndes,  
 W. W. Gaillard,  
 J. Ross,  
 T. Snelling,  
 Thomas Wright,  
 J. H. Cooke,  
 C. Dimmock,  
 E. C. Ross,  
 Jos. D. Rupp,  
 T. B. Wheelock,  
 E. E. Massey,  
 M. Taliaffero,  
 N. Tyler,  
 E. B. Alexander,  
 J. Bean,  
 R. Day,  
 O. Wheeler,  
 B. Person,  
 J. E. Newel,  
 G. F. Lindsey,  
 F. Green,  
 S. A. Hobart,  
 S. B. Dusenbery,  
 J. Pickell,  
 E. Root,  
 J. H. Winder,

S. C. Ellis,  
 G. Wade,  
 D. Hunter, 1st.  
 Benj. Wright,  
 J. R. Coolidge,  
 D. Hunter, jun.  
 R. H. Stuart,  
 H. Day,  
 J. Stephenson,  
 St. Clair Denny,  
 Thompson Morris,  
 Mor. L. Livingston,  
 J. Vail,  
 W. G. Waties,  
 F. Underhill,  
 R. W. Alston,  
 R. D. C. Collins,  
 H. Bainbridge,  
 W. Bourne,  
 J. N. Fales,  
 H. B. Tyler,  
 A. Brockenbrough,  
 J. R. Bowes,  
 Worthington,  
 Chs. Guerrant,  
 Wm. C. Dehart,  
 Wm. Boyce,  
 G. M'Call,  
 Jam. Chambers,  
 G. W. Whistler  
 A. Edson,  
 G. W. Talmadge,  
 W. G. Hall,  
 H. Buswell,  
 J. Nichols,  
 J. D. Hopson,  
 A. Long,  
 Ed. Peers,  
 T. Edwards,  
 Ed. Feltus,

T. G. Harman,  
 D. Moniac,  
 E. Trenor,  
 H. S. Coulter,  
 G. Dutton,  
 W. A. Lacey,  
 J. M. Tufts,  
 J. Dimmick,  
 W. H. Kerr,  
 D. Porter,  
 G. Morris,  
 Jefferson S. Myers,  
 J. Henshaw,  
 Jason Rogers,  
 Robert Hunt,  
 Saml. Wragg,  
 Thos. J. Rodney,  
 J. B. Scott,  
 J. L'Engle,  
 W. G. Hunter,  
 H. Gilbert,  
 J. F. Scott,  
 C. Radcliffe,  
 Julian Henry,  
 E. Birdsall,  
 J. G. Reynolds,  
 J. M. Edwards,  
 Nich. P. Trist,  
 W. H. Harding,  
 Phillips,  
 J. F. Hamtramck.  
 W. Turnbull,  
 B. Gorham,  
 P. M'Cormick,  
 W. C. Young,  
 H. D. Burke,  
 A. Graham,  
 T. M'Namara,  
 J. Wood,  
 C. Burdine,

J. A. Dumeste,	J. J. James,	A. J. Donelson,
N. Gardner,	J. M'Ree,	W. G. Hall,
E. D. Clary,	Wm. Rose,	W. A. Jones,
J. W. Fulton,	James Scott,	H. Carleton,
E. Mason,	W. Gwynn,	C. G. Smith,
W. H. Swift,	E. G. W. Butler,	J. Nichols.
F. N. Barbarin,	Julius Ad. Lagnel,	

( L )

CITY OF NEW-YORK, Nov. 29th, 1818.

To J. C. CALHOUN, *Secretary of War.*

SIR, Doubtless an official report has been made to the Department of War, of the arrest, by the Superintendent of the Military Academy, of the undersigned Committee from the Corps of Cadets; and of the proceedings occasioning and attending their arrest.

Under orders to repair to our respective homes, and consequently obliged to separate from each other, we make use of the present opportunity, whilst still together, to present you with the following MEMORIAL and PETITION, in behalf of the Corps of Cadets; trusting to the merits of a candid and plain statement of facts, which can be amply substantiated, and placing firm reliance in the justice of the Department, we pray the attention of the Secretary of War, and ask redress, in their name, for the wrongs which the Corps has received. These injuries, arising out of the conduct of the immediate commanding Officer, captain Bliss, urge a relation, not only of the *particular* instances of which we complain, but also of the *general* tenor of his conduct.

The conduct of captain Bliss, with respect to the corps under his command, has been highly unofficerlike, and materially detrimental to the best interests of the Academy. His opinions, on the constitution of government, necessary to the support of military order and discipline (from which opinions have originated the measures pursued by him,) are in direct opposition to those views with which they should harmonize. An officer who maintains, that the same means of coercion should obtain among the students of the Academy, as in the ranks of the army; that the ball and chain should be introduced as a punishment, is unacquainted with the nice feelings of honor, which should rule in the breasts of those, who are intended to direct the armies of our Republic. Although it may seem somewhat irrelevant to the subject,

yet, as an exemplification of the contracted ideas of this officer, we deem it proper to state, that he has objected to the institution and existence of *Literary Societies* among us, inasmuch as they unite us *too strongly* in friendship and affection.

For an account of the particulars of his conduct, we beg leave to refer you to the charge (G), and certificates (D), which show acts of violence, personal, gross, and degrading, to the gentlemen of the Academy, who are so unfortunate as to be under his command.

This treatment having remained unnoticed by the Superintendant, although complaints had been made, by the particular individuals injured, and having become so flagrant and outrageous, as no longer to be supportable, the Cadets appointed a Committee, to pray redress from the Superintendant, of injuries, which they could now but look upon as sustained equally by the whole corps.

This Committee, nominated in an open, orderly manner, and in a way incapable of being construed to violate any rule of military subordination, and which interfered not with any academical duties, after having consulted the Rules and Articles of war, and examined the provisions therein made for the redress of grievances, drew up the enclosed petition (C.) as a general outline, with the intention to state particulars, when they should be admitted to an interview with the Superintendant. This interview, solicited on the part of the Committee, by a note, the Major commanding declined, unless he should be previously made acquainted with the business they intended presenting, for his consideration.

Being made acquainted, therefore, with our objects, and after reading the Petition aforementioned, in a *private* and *individual* capacity, he returned answer as *Superintendant*, that he would neither receive us, nor our communications.

Thus unexpectedly refused, where we confidently relied on redress our appeal should have been made to you, Sir, had not the standing orders of the Post at West Point, interdicted all immediate communication with your Department; thus rendering it impossible for us, consistent with our duty, to make known our ignominious situation to you, except through the Superintendant of the Academy; and it was not to be supposed, that the officer, who himself refused to listen to our complaints, would forward them, for consideration, to higher authority.



Thus bereft of the most distant prospect of relief from the odious and degraded situation in which we found ourselves, we were prompted to retire, (however unwillingly in any other situation,) from that profession, on which we had rested our hopes, in preference to doing violence to the sentiment which gives it all its glory, and which first induced us to enter the service of our country. The resignation of our warrants was accordingly written; not, however, under the influence of any determination entered into, as *Members of a Committee*, but as individuals of a corps, whose honor we conceived to be tarnished. The Superintendent refused their transmission to the War Department, returned them unopened, and desired us to leave his presence.

On a perusal of McComb on Martial Law, we determined to present our Complaint, in the more powerful and pressing form of Charges; as we knew it immaterial by what rank charges were preferred, provided they were predicated on sufficient evidence, and embraced complaints worthy the cognizance of a military tribunal. The charge (G) of unofficerlike, and ungentlemanlike conduct, consisting of four specifications, to each of which certificates on honor (D) were obtained from respectable gentlemen of the Academy, was made out. This charge, and its specifications, (which we consider as fully substantiated,) was enclosed in an envelope, (F) setting forth its necessity, repeating our desire that they should be acted upon by himself, (the Superintendent,) and candidly stating our determination to make application, through the medium of friends, to the Executive, if we should again be refused. They were presented in the same manner as was our first communication, to know if the Superintendent would receive them, as coming from the Committee, in their capacity as such. We were informed, that he *would not*; and he remarked to the individuals who presented them for the committee, that he had never refused hearing the complaints of *individuals*, on their own particular grievances; but as a *Committee from the corps in general*, we had no right to call our commanding Officer to account for injuries to particular individuals of his command; that the conduct of the Committee, in thus pushing the affair, was *ill timed and indelicate*, as well as highly reprehensible, in a *military point of view*; that it was calculated materially to injure the interest of the Academy, and that it was also likely to be attended with consequences to ourselves, as individuals of the committee, of which we had no idea, but which we should probably be made acquainted with. He concluded with saying, that he would look at the papers last pre-

sented, and if they contained any information new to him, it was reasonable to suppose he would act upon them.

We submit to your determination, whether our conduct has been *ill timed, indelicate, or un military*. The enclosed (II) discovers the sentiments of the Superintendant; and with the following one (I) contains something particularly relative to the undersigned, as individuals, but this being a matter of *secondary importance*, we are willing to leave it to the ulterior consideration of the Department.

We are, Sir, with the highest respect,  
your very humble servants,

CHARLES R. VINING,	} Committee in be- half of the Corps of Cadets.
NATHANIEL H. LORING,	
CHARLES R. HOLMES,	
THOMAS RAGLAND,	
WILSON M. C. FAIRFAX.	

( M )

ADJUTANT AND INSPECTOR GENERAL'S OFFICE, Dec. 9th, 1818.

# GENERAL ORDERS.

A Court of Enquiry, to consist of major C. Gratiot of the Engineers, President, and captain J. Babcock of the Engineers, and lieutenant Horace Webster of the third Infantry, Members, will convene at West-Point, on the 21st day of this month, to enquire into the late transactions, and disorders at the Military Academy, which caused the order of the 27th November last, which will be laid before the Court.

The Court will examine such evidence as may be offered, and call for whatever information it shall deem important to a right understanding of the whole subject.

The President will direct one of the members to act as Recorder, and the Court will transmit to the War Department the evidence it may collect, with its opinion on the several points, as soon as practicable.

By order,

D. PARKER, Adj't & Inspt'r General.

THE CASE OF THE CADETS OF THE UNITED STATES'  
MILITARY ACADEMY.

The ebullitions of the youthful mind may often wander into error, and warmth of feelings, in seeking redress of wrongs originate measures, which may give occasion for censure. Yet age should be cautious not to judge harshly of the actions of youth. They are not always the effect of the whim or the caprice of ill directed or unstable opinion; nor the crude notions of warped or misled imagination. Judgment is sometimes the influencing power, and their deeds may emanate from mature reflection. If, when right, they are to sustain insult or injury, and are to be considered as wrong, without an examination to determine, merely from the idea of their immaturity, and consequent liability to error; this is a criterion calculated to suppress the finest feelings of the heart, to cower the lofty spirit, and to dissipate the generous enthusiasm of aspiring minds.

Those, particularly, who are to be of the military profession, should be taught to shrink from even the semblance of degradation: for the passive submission of the soul to insult, disqualifies the most efficient in science for the military life. Hence, we should look to the Military Academy, to see there inculcated, cherished, and enforced, this essential requisite of the officer, by the strongest precepts and most strict example. But it is there that we discover young gentlemen of merit, grossly and personally misused by their superiors. It is there that exists an organized system of violation, not only of the rules of common civility, but of the laws of our country; where expediency, to effect particular and private views, seems to sanction every procedure; and where it is deemed "a crime of the first magnitude" to complain.

It is proper that outrages of this nature should be exposed;—that aberrations from rectitude of this order, should be corrected; and, therefore, the necessity of the following statement of facts.

The Military Academy, established under an act of Congress in 1802, and augmented under the subsequent act of 1812, should, according to these acts, be under the controul of the chief and officered from the Corps of Engineers. This special provision was doubtless with a

view to have it conducted by select officers, of a regular military education; in order to insure the proper instruction, and afford the brightest examples of military worth to the students; that the unripened mind might unfold by the light of science, with liberality of sentiment, and delicacy of laudable pride. Officers from the Corps of Engineers, educated at this Seminary, have a recollection of the feelings of Cadets, and know who they are; such only are the persons suited to instruct and govern them.

The present polity of the Institution is, however, inconsistent with these views; officers from every arm of the service have, there, command; and several of these officers are without the slightest pretension to a regular military education. A large majority of the students are superior to them in the acquirements of literature, as well as in the particular branches taught at the Academy. The selection of those officers were, and their continuance is, according to the will of the Superintendent; a brevet major, on whose smile rests their prosperity, and at whose mandate law is contravened. By section 4th of the law of 1812, in relation to this Institution, the officers of the Academy are to determine on the merits of its graduates, and to designate the corps in which they should be appointed. The framers of that section could not have anticipated that this decision would be made by *such persons* as are above mentioned; and, indeed, there is no provision made for the stations that several there hold, for officers of the Engineer Corps. The Cadets are, therefore, under the command of persons of fictitious titles; some of whom, elated with the "pride and pomp" of newly acquired rank, disdain to allow the slightest appearance of social intercourse between themselves and a Cadet, who is simply the gentleman, or, seemingly in their consideration, only of the grade of a *common soldier*! The consequence of which is a grievance of this nature; Cadets have been ordered to leave a dinner table at West Point, on the appearance of an officer of the Institution to take his seat at the same.

Another prominent fact, is the institution of Courts of Enquiry, to investigate the conduct of Cadets, contrary to the 92d Article of War; in which they are forbidden, unless ordered by the President of the United States or demanded by the person charged with a military offence, "as they may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants." Before these courts, Cadets have been *coerced* to give evidence on oath, by the threat of *dismissal* if they



refused; and induced, by a like threat, to inform against themselves, in contradiction of every rule of law, civil or military, either in this, (See 5th Art. Amend. Con. U. S.) or any other Christian country, except the law of the Inquisition—the only parallel in existence. On the reports of those illegal tribunals, Cadets have been reprimanded, suspended, and dismissed.

The tyranny of the system is further exemplified, in the compulsion of many Cadets to resign, by the threat of immediate dismissal, in the event of their refusal to do so; and in the *discharge* of cadet SYMINGTON for such refusal. These resignations were *forced, under the pretext, that those Cadets had not made sufficient progress in their studies.* Cadet Pinckney of this number, who had passed the examination with credit to himself, was, from the casual omission of an acting assistant Professor, to place him on the examination rolls, forced to resign; when it was notorious at the Institution, that he had passed agreeably to the declaration of the Academic Staff, immediately after the examination. The Secretary of War restored this young gentleman to the Academy, on the representation, by his friends, of his particular case. Thus, according to the arbitrary will of an individual, of no higher grade than a captain of the army, many young gentlemen of worth were, in the eye of the world, disgraced, without the shadow of cause, excepting it might be the desire of imposing on those who were allowed to remain at the Seminary, in consideration of his authority. This assumption of power was known to the Executive, and met with their disapprobation, but not their correction. It could not be, that favor compromised error! No, it was only that some view of policy, which, to those who *suffered*, at least, appeared strange and mistaken, forbade their correction; as if there could be any foundation of authority, so well bottomed, and so stable, as on the idea of justice correctly, and strongly impressed on all concerned.

Another grievance is the *exorbitant charge* for the injury of class books, to those who receive them for the purpose of study; and the appropriation of the fines thus collected, to purposes not sanctioned by any known or legal authority; in this manner imposing and collecting taxes, in support of unauthorized expenditures.

The interdiction, by an order of the Superintendant, of all communication from the Cadets with the War Office, on any occasion whatever, contrary to the true spirit and intent of the 34th article of war;

(wherein is provided for, the redress of grievances to those who have been refused it, by their immediate commanding officer,) is in harmony with the existing government at West Point, isolating those there from the benefit of our established laws, it places them under complete military despotism; and the exercise of this despotism is shewn by a reference to the recent *refusal to hear the complaint of an individual, who had been seriously aggrieved by a personal outrage*; and the *omission to act* on other individual's complaints that he did receive, (See certificates of cadets Nicholson and Worthington, in the memorial to the Secretary of War, which can be supported by abundant other testimony,) in violation of the 35th article of war.

After so long, and so patient an enduring of this system of oppression, which, far from being relaxed, had proceeded gradually, but rapidly, from infringement of abstract right, to a violation of personal security; it was that *refusal and omission*, which prompted the Cadets to the measure they adopted, of appointing a Committee to state their grievances at large, and, in the most orderly manner, to seek redress. This Committee proceeded with guarded circumspection, sought at every step, to be corrected, if in an error as to their *mode*; and expressed to the Superintendant much anxiety to be instructed in the proper course of prosecuting their business, by communing with him, in a private and individual capacity, and by shewing him their papers unofficially, in order to ascertain what ought to be their public steps, and whether or not they would be likely to meet his approbation. And on discovering that he disapproved of their papers, they were withheld, nor were they ultimately offered to him in his *public character*.

It may here be remarked, that if he considered the mode of acting by Committee disorderly, this was the proper time so to declare; as by his simple order, even verbally given, the Committee would have been dissolved; but he suffered them to proceed to that point, which according to his order of the 27th of November, was considered so censurable, when he might come down upon them with the thunder of Martial Law, in a sudden arrest, and order to retire to their respective homes, without paying that decent attention to their personal convenience, which a removal so unexpected required. (*See his order of 28th Nov.*)

Wherefore, the conclusion is unavoidable, that if there really existed, in his opinion, even the slightest appearance of mutiny in the corps, he neglected his duty in not suppressing it in embryo.

The Superintendent manifests a willingness to make, against the corps, the charge of a mutinous disposition, which is calculated to imbue with the deepest stain the soldiers' reputation; this being the second instance in which he has exhibited it, much to the detriment of the Institution. The credit due, however, to such a charge from him, will best appear, by a recurrence to the proceedings of a Court of Enquiry, held at West Point, to examine into certain alleged disorders at the Academy; and composed of some of the most eminent officers of the army.

In the order of the 27th of November, abovementioned, the proceedings of the corps were denounced, as flagrant violations of military order; they (the Cadets) were imperiously forbidden to take any measures, or to sign any paper, in relation to their Committee, or otherwise; and the Superintendent refused to allow the latter a copy of the order relating to them, contrary to military usage; which, with his other acts, was calculated to impress, on all persons unacquainted with existing facts, (as are the people of the United States generally,) an idea, that it was for infamous conduct that they were arrested. It is understood the Court of Enquiry lately held at West Point, adopting the same idea, (probably founded on the oath which the Superintendent was there allowed to take against them, whilst the members of the Committee were not allowed to be present, or to adduce testimony in their favor,) have reported the conduct of the Committee of Cadets to be "highly reprehensible, and bordering on mutiny!" Had the members of that Committee, according to the 91st article of war, been allowed to adduce testimony, to exhibit their conduct to the Court, in its proper light; had they been even brought before it, and suffered to raise the veil of mysterious and ominous secrecy, which has covered all the proceedings relating to themselves, so contrary to the spirit of all our happy institutions, they would have shewn, that their appointment was essentially calculated to preserve order at the Academy; that their best exertions were given to prevent the slightest infringement on the Regulations at the Post, although they might be deemed illegal, and that they actually suppressed a disposition and determination in several persons, to violate the severe and unprecedented restrictions of the 27th of November. They could have adduced the most respectable precedents for such Committees; particularly,

*In the case of the officers of Washington's army, who appointed a Committee to state their grievances to Congress; and so far from being discouraged therein by the Commander in Chief, that he even afforded them facilities for the purpose.*

*In the more recent case in the late army, of the Remonstrance from the officers of the 12th Regiment, against the promotion of colonel Coles.*

*In the case of the late Memorial from officers in the Mediterranean service, touching the personal outrage offered captain Heath, by commodore Perry, which is an instance directly in point.*

*In the usage at West Point, of appointing Committees, during the command of general Swift, and captain Partridge, upon numerous occasions; sanctioned by the respectful attention of those officers, and their readiness to redress the grievances complained of.*

All of which precedents, it was to have been hoped, would, at least, have served to save from censure the Cadets, and their Committee; if not to show, that in many cases the mode adopted by them, is the most respectful and orderly, as well as best adapted to the purpose; and since it is not prohibited or proscribed, either by the letter, or in the spirit of our military laws, it is not to be conceived why precedent should not be allowed its usual weight, in this particular case; in which it may well be asked, how else could the corps act with order, but by their Committee, after a refusal to hear individual applications? and what case could require the promptest and most efficient means, consistent with respect, if not this, one of *personal outrage and violence*? A soldier must bend to discipline; but a gentleman cannot endure indignities; and even the truest Christian character is not violated, by manifesting a highmindedness, and tenacious attachment to that class of conventional rights, that are too peculiarly personal to be relinquished, without a loss of reputation, or worse, a loss of self respect.

Amongst other injuries referable to the same source, namely, the abuse of power, is one, which, though of little consequence compared with others aforementioned, deserves to be noted; the refusal of the Major commanding, to grant transportation to the arrested Cadets, when ordered home; when it was notorious, that their slender funds would not have enabled them to have complied with the order, had they not been assisted by their sympathizing brother Cadets; and great indeed should have been their criminality, to have sanctioned the step pursued, in thus ordering them away; as it must be obvious, that the loss of time to those so near the completion of their studies, is an injury to themselves, not to say to the country, which from its nature admits not of redress,



But to prevent the recurrence of such grievances, and to render the Military Academy what, in its institution, it was designed to be a proper Seminary for the future Rulers and Commanders of a free, enlightened, and polished nation, too conscious of its greatness to stoop to meanness, and too powerful to practise fraud; the want of a Code of Regulations, fixed and certain, has become notorious. If the Cadets mistake in supposing themselves to be under the Rules and Articles of War, by misconstruing article 96th, they are anxious to be informed in what character they stand, and to what Laws they are subject. They dread not the penalties of the LAW MARTIAL, if they can but enjoy its protection.

We are, Sir, with the highest respect,  
your very humble servants,

CHARLES R. VINING,	} Committee in be- half of the Corps of Cadets.
NATHANIEL H. LORING,	
CHARLES R. HOLMES,	
THOMAS RAGLAND,	
WILSON M. C. FAIRFAX.	

WASHINGTON CITY, JAN. 1819.

To J. C. CALHOUN, *Secretary of War.*



( O )

*On the intimation of the Secretary of War, after the statement of the case of the Cadets was handed to him, that a letter of acquiescence in the President's decision, on the Report of the Court of Enquiry, held under the order of the 9th of December, should be written by us, the following one was accordingly prepared and presented.*

WASHINGTON JAN. 27th, 1819.

To J. C. CALHOUN, *Secretary of War.*

SIR, From so much of the decision, on the case whereon you lately ordered a Court of Enquiry at West-Point, as you have thought fit to make known to us, being given to understand that it is the pleasure of the President of the United States, that we be recalled to the Military Academy, so soon as the Superintendant shall deem it expedient; and learning also, that the corps of Cadets are considered as having been incorrect in acting by their Committee, of which we were members, we deem it proper respectfully to declare to you, Sir, as head of the

War Department, that, having been personally free from the injuries of which the corps has complained, nothing could have induced us to act in that capacity, but a deep sense of the justice of those complaints, AND A CONVICTION THAT OTHER MEANS OF REDRESS WERE UNAVAILABLE, that we acted deliberately, from the purest motives, and, at the same time, with a desire, that there should not be the least violation of military order; of the propriety and necessity of which, as a constant rule of action at the Academy, we have ever been fully impressed; and of this, sir, we think we give you a proof, when we further declare, that NOTWITHSTANDING THE RESPECTABLE PRECEDENTS WHICH EXIST OF SIMILAR COMMITTEES, we cheerfully acquiesce in the President's condemnation of this mode of proceeding, IF BY THAT WE ARE TO UNDERSTAND, A PRINCIPLE ADOPTED BY YOUR DEPARTMENT, APPLICABLE NOT ONLY TO OUR CASE, BUT TO ALL SIMILAR CASES IN THE MILITARY SERVICE.

With respect and consideration,

we subscribe ourselves

your very humble servants,

WILSON M. C. FAIRFAX,  
THOMAS RAGLAND,  
NATHANIEL H. LORING,  
CHARLES R. VINING,  
CHARLES R. HOLMES,

} Committee  
in behalf of  
Corps of Cadets.



( P )

*The Secretary returned this letter, with a notice, that he had laid it before the President, who wished the last sentence, in these words, if by that we are to understand, a principle adopted by your Department, applicable not only to our case, but to all similar cases in the military service, might be struck out; and with an indirect assurance, that our doing this would close the affair. They were stricken out accordingly, and the letter returned to the War Office. The letter, with its modification, was again laid before the President, who was still dissatisfied with its contents, and directed Mr. Calhoun to suggest, and require a further alteration, namely, the erasure of the words and a conviction that other means of redress were unavailable; and also the following, notwithstanding the respectable precedents which exist of similar committees Upon the requisition to do which, the following answer was returned.*

WASHINGTON CITY, Feb. 1st, 1819.

To J. C. CALHOUN, *Secretary of War.*

Sir, We have considered the further alteration suggested by you this day, of our letter to your Department, of the 27th of January last, and regret that we cannot adopt the same. To go further than the alteration before suggested, and agreeably to which it was handed in, would be to admit, that *we only* have been wrong, as a committee, notwithstanding numerous precedents; or, that the Cadets, as a body, were in error, in acting, in an extreme case, by committee; when at the same time, they are not allowed to consider your condemnation of this mode, as a general principle; although the Rules and Articles of War, under which they are acknowledged to be, contain no distinction against them. The Cadets, who lately composed the Committee, are sensible, sir, that they are not to expect a change, in their favor, of the course which the Executive Government may have determined upon as correct; but they are too sensible of what belongs to themselves, to make an acknowledgment of misconduct, when they are conscious of having acted correctly, from pure motives, and with a disinterested aim, which, upon the most mature reflection, they cannot but approve.

We should, however, be unworthy of the cause in which we suffer, did we not experience unfeigned satisfaction in knowing, that for the corps to which we belong, substantial redress has been granted; with a fair prospect of being hereafter exempted from injuries, such as those of which they were obliged to complain. It was for this, that without personal grievances, we consented to relinquish individual ease and comfort. It is for this, that we yield ourselves a sacrifice, to what the Authorities, to which we are bound to submit, deem expedient; that we should remain under arrest, without a formal exhibition of charges against us, and be condemned without a trial.

With respect and consideration,

we are, sir, your obedient servants,

THOMAS RAGLAND,  
NATHANIEL H. LORING,  
CHARLES R. HOLMES,  
WILSON M. C. FAIRFAX,  
CHARLES R. VINING,

} Committee  
in behalf of the  
Corps of Cadets.

( Q )

## MEMORANDUM.

WASHINGTON CITY, Dec. 3rd, 1818.

To-day we had occasion to wait upon general Parker, Adjutant and Inspector General of the United States' army. Our business was such as naturally led us to speak of the injuries the Corps of Cadets had received from their Commandant. Without waiting for a statement of facts, he immediately took up the idea of a mutiny; from the order issued by major Thayer, he was strengthened in this absurd idea, and without hesitation declared, that "it was a principle in military affairs, that junior officers, although *right*, were nevertheless *wrong*; that although they should declare themselves *aggrieved*, and complain of *injuries*, yet the presumption was that the officer, of whom they complained, was in the right." When to remove the precipitate and erroneous opinions he had conceived, we mentioned the certified facts and other papers in our possession, without paying regard to them, or making those natural and further enquiries which we expected, and on which we rested our hopes of vindicating the conduct of the Corps, he proceeded to declare his opinion, "that captain Bliss had acted correctly—that his was a *delicate* command, where it was exceedingly difficult to *discriminate* between cases, in which it was proper to *treat as gentlemen*, and those in which to assume the severity of a *schoolmaster*: Some of you," said he, "of the age of *nineteen* or *twenty*, should be treated with the respect of officers, and are as much entitled to it as captains in the army; but others among you, say of *fourteen*, &c. incapable as they must be, of understanding military orders, *must have obedience exacted by the rod*: In short, I can see no other way, than now and then putting a switch into their jackets."

His opinion on the subject was, that the Secretary of War would not interfere at all in the business of our arrest, and the conduct of the commanding officer of the Corps. But after hearing that many Gentlemen of superior stations in government, and among the rest, *officers of high rank in the army*, had interested themselves in our cause, he changed quite round—offered himself, to obtain an introduction for us to the Secretary, for which purpose we were *politely* invited to call on him to-morrow. He was unacquainted with the fact, that the Secretary of the Treasury, Mr. Crawford, had taken our papers to hand them



to the Secretary of War, before the foregoing opinions, were expressed. After hearing that this was the case, he was exceedingly anxious for us to *ask back* our papers from Mr. Crawford, and present them through his, the Adjutant General's hands.

Finding that men of *superior* influence had taken an interest in the affair he became our *warmest friend*, and instead of having our "*jack-ets trimmed*," was exceedingly *anxious* for the *success* of our *Petition*.

THOMAS RAGLAND,  
W. M. C. FAIRFAX.

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### REMARKS.

For the purpose of explanation, it may be proper here to remark, that the Secretary of War, although he had received, as early as about the tenth of December, 1818, from major Thayer, the Report of the proceedings of the Corps of Cadets, and their Committee, yet he refused either to shew the Committee the Report, or to inform them of what it contained against them. The Committee were unacquainted with the allegations set forth in that Report, till the convention of a General Court Martial for their trial, in May following. And although a Court of Enquiry was ordered to sit, and enquire into all the transactions relating to the occasion of their arrest, and as it was understood by them, partly at their own request, yet were they denied the right of appearing before that Court, and after the proceedings of the Court were filed in the war office, the common privilege of seeing what evidence had been taken against them, and in what manner their conduct had been investigated.

They were then forced to defend themselves, without a knowledge of what they were charged with. And as it subsequently appeared, whilst they were vindicating their conduct on facts, they were secretly assailed, not by a false coloring of what had actually taken place, but by plausible and well connected falsehoods. This will be manifest, when major Thayer's report is compared with the letter in an answer to it, by cadet Ragland.

Perhaps it may be asked, why the paper (B) was written after, and different from the one (A.) We anticipate this question, to shew that our disposition was to act, even in the minutest things, according to the strictness of military principle. This paper (B) in the conclu-

ding sentence removes, and was written to remove an ambiguity in the first (A,) which paper (A) on an illiberal construction, admitted more enlarged powers than the Cadets intended to grant. They intended to give ample powers, consistent with military propriety, and these only.

In the "*Case of the Cadets*," it will be observed, probably, that many things are spoken of, which do not, on a slight view of the subject, seem to be embraced in the list of grievances, for which the Cadets intended that their Committee should seek redress. But when it is understood, that the Secretary of War, and other officers, having control over the concerns of the Academy, supported the steps taken by major Thayer, on the ground of his uniform correctness, it will be readily perceived, that it became proper for us to enlarge our statement, and to rebut this argument against us, by shewing that the abuses, of which the Corps of Cadets had complained, were by no means solitary instances of oppression, but only particular ones, of the general system of abuse existing at the Academy, which from being more immediately humiliating and personal than others, had given rise to lawful resistance.

There are several things in this statement, which to one having no knowledge of the present policy of the government, at the Military School, may appear to be of little moment, yet if they could be accurately informed of their extent and importance, their indignation would be highly excited, and they would feel a painful astonishment at the toleration of them, by those who have in charge the good of the Institution. To illustrate this, we will here merely mention the particular of the "*exorbitant charge*" for the injury of class books, &c. Will it be possible for one, who is a stranger to the character of the present Superintendent, major Thayer, to believe, that at one payment of the Cadets, there was taken from them, under this single head, a sum no less than "FIVE HUNDRED AND TWENTY SIX DOLLARS?" Yet such is the fact, incredible as it may seem.

To what purpose has this money been appropriated? This money constitutes what is well known at the Military Academy, by the name of the ACADEMIC FUND. And out of this ACADEMIC FUND, trees are planted, fences made, and whatever else is further done with it, is not known to us.

The Committee had, at the commencement of this work determined not to insert the memorandum (Q,) but on reflection they have insert-

ed it, because they consider that an insult offered them, so gross as this paper details, should suppress every feeling of lenity on their part; and also, that views so illiberal, require the caustic of public indignation.



( R. )

### MILITARY ACADEMY,

WEST-POINT, Nov. 30th, 1818.

Sir, I have to inform you of some transactions of a very disagreeable nature, which have taken place during the last week at the Military Academy.

After stating the facts, such as they have come to my knowledge, I will endeavour to trace some of the principal causes that have led thereto. On Sunday the 22d inst. a Cadet of the name of Nicholson, was ordered from the ranks for disorderly conduct; but neglecting to obey the order, captain Bliss, (commanding the parade,) seized him by the collar and forced him to retire. This occurrence appeared favorable to the views of certain Cadets, who were old offenders, having been the instigators of the disturbances which took place the last year; and they availed themselves of it to excite the passions of the more youthful and inconsiderate portion of their companions. Papers were circulated; committees organized; and a regular combination formed; of which, the first object was to remove captain Bliss, their immediate commanding officer. Five Cadets, calling themselves the Committee of one hundred and sixty others, waited on me to demand the arrest of that officer, and even dared to threaten me with rebellion in case of a non-compliance with their wishes.

In this state of things, an order was read to the Cadets, calculated to bring them back to the path of duty, and five of the principal ring-leaders were instantly ordered from the Academy to their respective homes, there to wait the decision of government with respect to them.

The persons referred to are Cadets Ragland, Loring, Holmes, Vining, and Fairfax. It is with pain that I am obliged to name Cadet Fairfax with the others, as his previous conduct had uniformly been very commendable.

The pretty general dislike of the young gentlemen to captain Bliss

arises in part from his strict discipline, forming, as it does, a complete contrast to that of former times, and is in part incident to the unpleasant situation which he fills; he being the person charged to watch over and report their conduct, and to inflict the punishments for all minor delinquencies. But the radical cause of the disturbances to which the Military Academy is liable, is the erroneous and unmilitary impressions imbibed at an inauspicious period of the Institution; when they were allowed to act as though they had rights to defend, as a corps of the army, and to intrude their voice and opinions with respect to the concerns of the Academy. So long as these impressions shall remain the Academy will be liable to combinations and convulsions, and the reputation of the Institution, and the officers connected with it, be put in jeopardy.

Notwithstanding the proceedings which I have been compelled to describe in great haste, I am happy in being able to assure you, that there has been no positive act of mutiny or disorder; and that the operations of the Institution have not been interrupted for a moment. But as reports may be spread calculated to injure all concerned, I hope the Secretary of War will think proper to direct one of the principal officers of the Corps of Engineers to repair to this place as soon as practicable, in the capacity of Inspector, with orders to examine into the management of the Institution, and authorized to take such other measures as circumstances may require.

I am, Sir, very respectfully,

Your obedient servant,

S. THAYER, *Brevet Major, and*  
*Superintendent Military Academy.*

Lieut. Col. W. K. ARMISTEAD, *Commandant*  
*Corps of Engineers, City of Washington.*



( S. )

DEPARTMENT OF WAR, }  
January 15th, 1819. }

SIR, The proceedings of the Court of Enquiry which convened at West-Point, under the order of this Department, of the 9th of December last, have been examined by the President; and I have the pleasure to state, that your conduct as Superintendent of the Military Academy, in the unpleasant occurrences, which induced that investigation has been satisfactory and approved.



As captain Bliss does not appear to have sufficient command of his temper, an order will be transmitted to you, relieving him as Instructor of Tactics, at the Military Academy, and a copy of the order detailing captain Bell, of the Light Artillery, for that duty.

The course pursued by the Cadets, is highly reprehensible throughout the whole transaction ; and particularly objectionable on the part of the young gentlemen who composed the Committee.

The redress of military grievances must never be extorted, or obtained by combinations, which are alike mutinous. If captain Bliss acted unjustifiably, or oppressively, his conduct was a proper object of complaint to the Superintendent, from the Cadet, who was personally aggrieved ; and the youth and inexperience, alone, of the gentlemen, induces the President to overlook the insubordinate course pursued by the Cadets, through their Committee. But however as their youth and inexperience were probably the cause of their irregular conduct ; you will restore the young gentlemen, who were sent from the Academy, by your order of the 27th of November last, whenever, in your opinion, it can be done without injury to the discipline of the Institution.

I have the honour to be,  
your obedient servant,

J. C. CALHOUN.

Major S. THAYER, *Superintendent*  
*U. S.' Military Academy, West-Point, N. Y.*

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( T. )

WEST-POINT, June 11th, 1819.

To J. C. CALHOUN, *Secretary of War.*

SIR, To counteract a report now filed in your office, whose falsehood and malignity, should they have met with that reception intended, by the reporting officer, cannot fail of inducing, in your mind, an injurious impression of my character, as a person in the service of the United States ; I am induced to avail myself of my present opportunity, (being detached from the Military Academy,) to address myself to you ; although Cadets at this post are *forbidden* to have any communication with your Department, on any occasion ; yet be assured, Sir, that in so doing, I have not the slightest disposition to oppose legal authority.

The following extract, commencing with an unimportant reference, contains the charge which I intend to disprove.

## EXTRACT.

“This occurrence appeared favorable to the views of certain Cadets, who were *old offenders*, having been the instigators of the disturbances which took place the last year; and they availed themselves of it to excite the passions of the more youthful and inconsiderate portion of their companions.”

This report is dated, Military Academy, Nov. 30th, 1818, and signed by the Superintendent of the Academy. Its transmission to the Judge Advocate of the Court Martial, which sat here the last month, has presented me the opportunity of seeing behind that official curtain, where this man, (major Thayer,) under specious pretences for the public good, would basely stab the spotlessness of private character.

Extract from an order, dated U. S. Military Academy, 12th of October 1817. “Cadet Ragland, being relieved by lieut. Graham, will deliver to him the books and papers of the office, and will retire to his duty in the Corps of Cadets, having performed that of Adjutant of the Post with *honour* to himself, and to the *entire satisfaction* of the Superintendent. (Signed,)

S. THAYER,

*Major Commanding.”*

My Adjutancy having commenced long before the disturbances of that year, (1817,) continued during the whole of the transactions in which captain Partridge was concerned, which the report alludes to; and, as my Cadetship was inseparably connected with my other duties, this order was issued on fresh impressions of my general and particular conduct, and therefore, being entitled to the greater credibility of two contradictory representations, is ample vindication of my correctness, even though more positive and credible evidence is ever ready to be offered.

As to the rest of the “certain Cadets” mentioned in the above scandalising report, the absence of Messrs. Loring and Vining from the Post, did effectually put it beyond their power to have instigated that conduct; and it can be shewn that it was only known to them after commission. Mr. Holmes, was not a member of the Military Academy, till maj. Thayer was confirmed in the disputed Superintendancy of

the Institution. As to Mr. Fairfax, the acknowledgement of major Thayer in the report to your Department in November last, that "his previous conduct has uniformly been very commendable," relieves him from the previous charge of old offences, contained in the same page.

I would that my accuser could see the above statements; even he must acknowledge them to be facts.

Sir, yours with respect,

THOMAS RAGLAND.



( U. )

To Major CHARLES GRATIOT, *of the United States' Engineers,*  
and President of the Court of Enquiry.

CHARLESTOWN, (*Mass.*) Dec. 20th, 1818.

SIR, Having understood that a Court of Enquiry, of which you are President, will assemble at West Point, on the 21st instant, in conformity to an order from the Adjutant and Inspector General, bearing date the 9th of December, 1818; and having observed, from a copy of the general order, the object of the Court is to enquire *into the late transactions and disorders at the Military Academy, which caused the order of the Superintendent of November last.* I conceive it necessary to state to the Court my views on a subject, which is so intimately connected with myself. The order of the Superintendent bearing date the 27th of November, 1818, and alluded to, in the general order, which I have quoted above, was predicated on the proceedings of a Committee of five Cadets, of which I had the honor of being one; if then these proceedings alone caused that order of the Superintendent; and if the Court is ordered to enquire into the cause of that order alone, it is obvious that the Court is ordered to enquire into the conduct of that Committee; from which I would infer, that my conduct is the subject of enquiry.

Before a Court, constituted to enquire into my actions, I presume I have a right to appear; it is a right which every individual possesses, and I respectfully conceive, it should not be withheld from me.

The order, which bears date the 27th of November, and which is to be laid before the Court, (as will appear by the general order of the 9th of December,) contains charges against the Committee, to which

the Committee do not assent. That order is virtually a charge against the Committee, in which I am a party concerned ; and as evidence is to be adduced, (and it can be but by one party, if but one party is present,) I do hold it as my right to offer evidence in my defence.

From these reasons, from the right which I have of defending my own conduct, I respectfully protest against any proceedings of the honorable Court against me, or my conduct, unless I am allowed a hearing.

With high considerations of respect,

I have the honour to be, sir, your very obedient servant,

NATHANIEL H. LORING.

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( V. )

WEST POINT, N. Y.

### TO THE PRESIDENT OF THE UNITED STATES.

We take the liberty of calling the attention of the President to certain transactions, which appear to demand his interference, in order that justice be not sacrificed to power and interest. We deem it unnecessary to enlarge on the propriety of our present measure, as it is a mere appeal to the highest Executive Magistrate, for his attention to our rights, which have been lawlessly trodden upon, by the very individuals, who were appointed our judges. We therefore state facts, without comment, and rely upon the integrity and justice of the President, for protection from farther tyrannies.

1st. We were selected from among one hundred and eighty nine Cadets, in November last, accused in a public order with mutiny, and seduction of our fellow Cadets from their duty, arrested, and ordered to leave the Post of West Point, in six hours ; a length of time insufficient to procure either clothes or funds.

The charges against us, contained in the order referred to, are notoriously *false*. We would have proved them false, had we been allowed a hearing before the Court of Enquiry, which, in violation of law, passed a decision on us, in December last.

2dly. We were ordered to proceed to our homes immediately, without even being allowed to remain at a public house, in the vicinity of the Point, until the regular steam boat passed ; when it was well known, no other conveyance could be procured ; an Adjutant being sent with



an order for us to leave the vicinity in an hour's time, under penalty of being punished for disobedience of orders.

3dly. A Court of Enquiry, consisting of major Gratiot, a captain Babcock, and a lieutenant Webster, was convened at West Point, and contrary to the Rules and Articles of war, contrary to the WRITTEN law of our country, contrary to the law of SAVAGES, and to all other laws, this Court tried, and condemned us, without our being summoned, or even allowed to appear before it, in person, or by attorney, for defence.

4thly. We were, during the stay at our homes, continually requesting a termination of our business, and an opportunity to establish our innocence; our expences were great; our situation was delicate and peculiar; our accuser aiming his shafts at our reputation, while we were denied an opportunity of proving that he alone was culpable; alterations in letters, which were addressed to the Secretary of War, were requested by that officer, and peremptorily refused, because an acquiescence would have been tantamount to a desertion of those rights conserved to the meanest citizen in this country, by the laws. We were willing to sacrifice private interest, for the public good; but we have been, and are determined, that no considerations shall induce us to abate one jot of right, in order that the guilty may be screened from popular detestation.

5thly. In March last, we were ordered to New-York for trial, where we were forced to remain nearly two months awaiting orders, at a great expence, and contrary to the spirit of those laws which make it necessary for the accused to be brought immediately to trial.

6thly. When ordered to this Post, the Court, after considerable procrastination, convened, examined the evidence on Mr. Ragland's case; permitted him to make a Defence, and then determined that Cadets are not amenable to Military Law.

7thly. It is now nearly three months since the decision was made by the Court, and no steps have been taken by the War Department.

8thly. During the time we have been at this Post, rooms in the very worst repair; situated in a nauseous and filthy spot, have been allotted us. We have not been allowed at any time to enter the Barracks of the Cadets. We have not been allowed to attend any studies, although the request was made to do so, and the situation of our rooms precludes almost the possibility of study.

9thly. The Class to which four of us were attached, has been commissioned. Our situations in the Class have been occupied by others. Those commissioned have been ordered to their respective duties; while we, although our actions were in unison with the body of Cadets, are kept here in arrest and suspense, under the frowns of the government, without there being the possibility of substantiating a single charge against us.

10thly. Thus, Sir, *nine* months have elapsed while we are kept under arrest. We are at the period of life when time is invaluable. The procrastination of government is robbing us of that which can never be repaid. Our reputation may suffer by this suspense; (for we have reputation as well as our betters,) and our friends and relations, nay, all men of honour and honesty, are anxious that we be exculpated by a public order, or freely and publicly allowed to vindicate our character and conduct from the calumnies of our enemies.

11thly. We do not ask, at this time, for justice on our persecutor; *That*, we are in hopes, can be obtained hereafter by a regular appeal to the laws. But we refer to the President of the United States for justice on ourselves. We wish to know whether the unheard of arrest, in which we have continued nine months, has not had sufficient duration, whether we alone of all the people of this land are to suffer; and suffer too without a chance of protection.

Which is respectfully submitted, with the highest consideration.

*Signed,*

N. H. LORING,  
THOS. RAGLAND,  
W. M. C. FAIRFAX,  
C. VINING,  
CHAS. R. HOLMES.      *Cadets.*



( W )

CHARLESTOWN, (*Mass.*) Sept. 14th, 1819.

TO THE PRESIDENT OF THE UNITED STATES.

SIRE, With emotions not easily to be described, I, with due deference, address the Chief Magistrate of this nation. Nothing could induce me at this moment to trespass on his valuable time, but the feel-

ings of a Father, whose happiness has been in the reflection that his children have invariably acted, to the satisfaction of those, who have been associated and connected with them. But to his extreme regret, his son Nathaniel Hall Loring, has been very unpleasantly situated, by being under arrest, *nine months*, occasioned by some unhappy collisions at West-Point.

It appears that in the month of November, 1818, and before that period, captain Bliss stationed at West-Point, was extremely severe with the Cadets, so much so, that it created a dissatisfaction among them, to such a degree, that they were determined to represent their grievances to major Thayer, the superintendant of the Academy; for which purpose they selected five Cadets, of whom my son was one, to draw up a statement of facts, and present them to major Thayer, which they did. But he declared he would not receive them in his official capacity; of course would not act on their complaints. They then tendered to him their resignations, in hopes of being discharged; which had been usual to grant at West-Point; he saw fit not to accede thereto. They then made a formal complaint against captain Bliss; in hopes that they would have justice done them: this was done, because they were not permitted to address any one, or make complaint, except through major Thayer, agreeable to a standing order at the Point; but to their surprize on public parade the next day, they were arrested and ordered from the Point, and to repair to their homes; which order they, as far as practicable, obeyed, and only waited for the Steam-Boat to execute the remainder. But as though they were the most abandoned on earth, they were not permitted to remain out of the limits of the Point, but were ordered from the vicinity, without the least attention to their convenience or health.

Cadets Ragland and Fairfax on their arrival at Washington, were permitted to state their case, and a Court of Enquiry was ordered to sit at the Point; but none of the Cadets charged were permitted to appear before that Court; or were they notified of there being one instituted, except by report; although my son (as well as myself,) addressed a line, per mail, to major Gratiot, the President, informing him of this fact, and requesting a hearing; but still there was no attention paid to this legal request. After the sitting and reporting of this Court, captain Bliss was removed, and captain Bell of the Light Artillery was ordered to take his station.

Orders were then issued from the Adjutant and Inspector General's

office, appointing and ordering a General Court Martial to sit at West-Point, to try Cadets Ragland, Fairfax, Holmes, Vining, and Loring. Agreeably to this order, the Court convened. Charges were made against them, and the Court put Cadet Ragland to his trial; he was regularly tried, and made his defence. After which, as it is generally understood, they determined, that the Cadets were not amenable to the Rules and Articles of War.

Thus, honoured Sire, are the facts, which have come to my knowledge respecting this unhappy affair. I have been further informed, that charges have been reported against my son, which are most certainly false, and those that reported them, must have known them to be so, at the time reported.

It is said that my son was concerned in 'the difficulty with captain Partridge; the true fact was, that he was on furlough to my family, and at that time he was on his return to West-Point; and when capt. Partridge arrived at the Point, he was not there.

It is said, that he was reported an *old offender*; how this can be supported, in any degree, I am at loss; when he has been acting in every honorary capacity, ever since he has been at West-Point. And in the summer of 1818, (a few months before the difficulty happened,) he was not permitted a furlough, but was retained at the Point to drill the second company, and teach them Tactics, which company he then commanded, and did continue to command, until he was put under arrest. These appointments were all made by the approbation of major Thayer.

I should not, Sire, have so feelingly represented his treatment, had he not been deprived of his studies, and because when I consented to his acceptance of the appointment of Cadet; I exerted myself to explain to him, his duty to his government; and I had the heart felt satisfaction to find his sole aim was the support of the Academy at West-Point; a firm friend to its honour and dignity, and his whole pride appeared to be, in his being enrolled a member of the Institution.

But, Sire, his feelings as a Cadet and Soldier, have been most violently trampled upon; he has seen his brother Cadets, *in whose defence*, he was *then* suffering, receive before his eyes, the examination and honours of the Academy; and also his class mates appointed to commissions in our army, by orders issued from the Adjutant and Inspector



General's office, when he was not permitted to study for the good of himself and friends; nor even allowed a trial, whereby he could establish his innocence; although a Court was ordered for that purpose by the highest authority of the nation.

In this country, I presume to hope, Sire, every citizen is, or ought to be, governed by the laws; and if a Father or Guardian of a Minor, consents to his entering on any situation, under the government, most undoubtedly he expects that justice will be done him, conformably to the legal Rules and Regulations, by which it is governed; and not by the caprice of any subordinate officer.

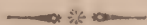
This is the moment, honoured Sire, when my son needs every opportunity to prepare himself to begin the career of life, on which depends all his future happiness; but to be held in arrest, and deprived of liberty, without the least semblance of a crime, is too much for a Father to reflect upon.

Your Philanthropy and watchfulness in protecting the rights and liberties of every citizen under the government of these United States, over which you now preside, is a satisfactory consolation to a Father, that these transactions will be properly investigated, and that my son, as well as his associates (now in arrest at West-Point,) will once more be at liberty; and receive that justice from their country, which the government thereof have professed to do to the most obscure citizen.

With high consideration and respect,

I am your most obedient,

JOSEPH LORING, *late Colonel,*  
40th Regt. United States' Infantry.



( X. )

## CHARGES

*Preferred against* THOMAS RAGLAND, *Cadet in the service of the United States.*

### CHARGE FIRST. MUTINOUS CONDUCT.

#### SPECIFICATION FIRST.

In this, that he the said Thomas Ragland, Cadet in the service of the United States, and acting Assistant Professor of Mathematics in

the United States' Military Academy; did on or about the 23d of November 1818, at West-Point, (New-York,) excite disaffection in a large portion of the Cadets of the United States' Military Academy at West-Point, (New-York,) and did advise them into a system of measures, the object of which was to dictate a course of conduct to their commanding officer. (Brevet major S. Thayer of the United States' Corps of Engineers. and by the appearance of a co-operation of so general a combination of the Cadets as he had affected to over-awe him, (Brevet major S. Thayer of the United States' Corps of Engineers,) into a discharge of the measures dictated.

#### SPECIFICATION SECOND.

In this, that he the said Thomas Ragland, Cadet in the service of the United States, and acting in the capacity of Assistant Professor of Mathematics in the United States' Military Academy, whereby it became his duty, as far as his power extended, to suppress deliberative assemblies of the Cadets, or combinations of the Cadets of the nature aforesaid, on or about the time aforesaid, and at the place aforesaid, did suffer himself to be appointed a member of a Committee, organized by the disaffected Cadets, and did himself, or conjointly with the members of said Committee, draw up and present to his commanding officer, (Brevet major S. Thayer of the United States' Corps of Engineers,) a communication of the tenor and nature following, viz: dictating to his commanding officer, (Brevet major S. Thayer of the United States' Corps of Engineers,) the line of conduct he was to pursue; enlarging on the number of Cadets who had combined and directed the proceedings of the Committee; stating the oppressive conduct of the officer complained of must be avoided; and expressive of his determination, conjointly with the other members of the Committee aforesaid, to have the objects represented, carried into effect, even if his individual interest became a sacrifice in the cause he had undertaken.

#### CHARGE SECOND.

*In the capacity of an accessory, joining in a combination against his commanding officer, the tendency of which was mutinous and subversive of subordination.*

#### SPECIFICATION FIRST.

In this, that he the said Thomas Ragland, Cadet in the service of the United States, and acting Assistant Professor of Mathematics in

the United States' Military Academy, did on or about the 23d of November 1818 at West-Point, (New-York,) combine with a large portion of the Cadets of the United States' Military Academy, at West-Point, (New-York,) and join with them in a system of measures, the object of which was to dictate a course of conduct to their commanding officer, (Brevet major S. Thayer of the United States' Corps of Engineers,) and by the appearance of so general a combination to over awe him into a compliance with the measures dictated.

#### SPECIFICATION SECOND.

In this, that he the said Thomas Ragland, Cadet in the service of the United States, and acting in the capacity of Assistant Professor of Mathematics in the United States' Military Academy, whereby it became his duty, as far as his power extended, to suppress deliberative assemblies of the Cadets, or combinations of the Cadets of the nature aforesaid, did on or about the time aforesaid, and at the place aforesaid suffer himself to be appointed a member of a Committee, organized by the disaffected Cadets, and did himself, or conjointly with other members of the said Committee, draw up and present to his commanding officer, (Brevet major S. Thayer of the United States' Corps of Engineers,) a communication of the tenor and nature following, viz : dictating to his commanding officer, (Brevet major S. Thayer of the United States' Corps of Engineers,) the line of conduct he was to pursue ; enlarging on the number of the Cadets who had combined and directed the proceeding of the Committee, stating that the oppressive conduct of the officer complained of must be avoided ; and expressive of his determination, conjointly with the other members of the Committee aforesaid, to have the object represented carried into effect, even if his individual interest became a sacrifice to the cause he had undertaken.

#### SPECIFICATION THIRD.

In this, that he the said Thomas Ragland Cadet in the service of the United States, and acting in the capacity of Assistant Professor of Mathematics in the United States' Military Academy, on or about the 24th of November 1818, at West-Point, (New-York,) and within a short period after his commanding officer, (Brevet major S. Thayer of the United States' Corps of Engineers,) had refused to see him as a member of the Committee of the disaffected Cadets, as him to receive the communication presented in that capacity did appear before his commanding officer, (Brevet major S. Thayer of the United States' Corps

of Engineers,) in a body with the other members of the Committee aforesaid, who assembled for the same purpose, to tender his resignation of the appointment of Cadet he held in the service of the United States.

### CHARGE THIRD. DISOBEDIENCE OF ORDERS.

#### SPECIFICATION.

In this, that he the said Thomas Ragland, Cadet in the service of the United States, and acting in the capacity of Assistant Professor of Mathematics in the United States' Military Academy, did on or about the twenty-fifth of November 1818, at West-Point, (New-York,) a second time present to his commanding officer, (Brevet major S. Thayer of the United States' Corps of Engineers,) a communication from the Committee, organized by the disaffected Cadets, notwithstanding he the said Thomas Ragland, Cadet in the service of the United States, had been informed by his commanding officer, (Brevet major S. Thayer of the United States' Corps of Engineers) in the first instance of the impropriety of his conduct, and positively ordered by him not to present a second communication another time.

### CHARGE FOURTH. UNGENTLEMANLIKE CONDUCT.

#### SPECIFICATION.

In this, that he the said Thomas Ragland, Cadet in the service of the United States, and acting in the capacity of Assistant Professor of Mathematics in the U. S. Military Academy, to deceive his commanding officer, (Brevet major S. Thayer of the United States' Corps of Engineers,) and for the purpose of conveying into his hands a communication from the Committee organized by the disaffected Cadets, did on or about the 25th of November 1818, at West-Point, (New-York,) tell to his commanding officer (Brevet major S. Thayer of the United States' Corps of Engineers,) a deliberate falsehood, saying in the words to the effect following, to wit: that the communication he presented was not from the Committee aforesaid, but simply an exposition of some facts, coming from himself, conjointly with Cadet Wilson M. C. Fairfax, as individuals, and without any relation whatever to his character as one of the representatives of the Cadets.

*By order of*

S. THAYER, *Brevet Major of the  
Corps of Engineers, and Superintendent  
of the U. S. Military Academy*

G. W. GARDINER, *Lieut. of Artillery,  
and Post Adjutant*



## REMARKS.

Saving the Specification of the third Charge, all the Charges and the Specifications under those Charges, which were alledged against Mr. Ragland, were preferred against Mr. Fairfax.\* In the Specification under the third Charge, laid against Mr. Fairfax, he is accused of disobeying the order which Mr. Ragland, under the same charge, is said to have disobeyed; but this order is there stated to have been communicated to him through Mr. Ragland. The Charges and the Specifications under them, which were preferred against Messrs. Loring,† Vining, and Holmes, were identical with those against Mr. Fairfax, omitting the fourth charge, and its specification.

Many references, in this pamphlet, have been made to the trial of Mr. Ragland. The Committee of Cadets did intend to have published that trial, with these papers; but this gentleman has not been granted a copy, although it has been repeatedly asked for by him, in the most respectful manner, and according to the form prescribed by law. The evidence taken on the trial nearly alike affects the whole Committee, from the very nature and similarity of the allegations against them. They (the Committee) had fondly rested their hopes of vindicating their conduct to their friends, by presenting to them copies of the official documents of the general Court Martial, before which Mr. Ragland was arraigned. Such a vindication would, they are firmly persuaded, have been full and satisfactory. But in addition to all their other persecutions, they are deprived of the privilege of doing this; of a right guaranteed by law, and grounded on every principle of justice. Under these circumstances, it is difficult to believe, *that the President of*

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\* Cadets Ragland and Fairfax were appointed acting Assistant Professors, under the following order.

(Extract.)

ENGINEER DEPARTMENT, }  
Washington, 15th April, 1818. }

**MILITARY ACADEMY ORDERS.**

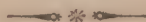
The Superintendent of the Military Academy is authorised to detail not exceeding four Cadets, to discharge the duties of acting Assistant Professors of Mathematics; each Cadet, so detailed, will receive ten dollars per month as a compensation for the extra duty. The appointment will be considered an honorable distinction.

(Signed,) J. G. SWIFT, Brig. General, and  
Chief Engineer.

† Cadet Loring was, at the time of his arrest, captain of the second company of the Corps of Cadets. He was appointed to this situation from that of Adjutant of the Corps.

*the United States, or the Secretary of War, have had a proper understanding of their case. It is to be hoped, that men so universally esteemed, and so highly entrusted, as they are, have more correct principles, and a more enlarged magnanimity, than to impose, or suffer to be imposed, such injuries as the Committee of Cadets, have received from the Executive government, except from an erroneous view of their proceedings.*

The Committee have sought nothing but their rights; they have been faithful to their duty; and were they properly heard, "they should doubt the being of a Providence, if they doubted of success."



( Y. )

OFFICE OF THE ATTORNEY GENERAL, }  
UNITED STATES, August 21st, 1819. }

SIR, I have examined, with careful attention, the question you have submitted to me, as to the subjection of the Cadets at West Point, to the Rules and Articles of War, and to trial by Courts Martial; and now proceed to give you the result of that examination.

It is proper to observe, in the threshold of this enquiry, that the genius of our Constitution and laws favors the trial by jury. Before the Revolution, we had learned from Great Britain, to consider that form of trial as the great Palladium of our most sacred rights; and on the adoption of the Constitution, the privilege was deemed sufficiently important, to be secured to the people, by positive and repeated provisions in that Instrument. Thus by the 2d section of the 3d article of the Constitution, it is provided, that "the trial of all crimes, except in cases of impeachment, shall be by jury," &c. and by the 5th amendment to that Instrument, it is further provided, that "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment, or indictment of a grand jury, except in cases arising in the naval or land forces, or in the militia, when in actual service, in time of war, or public danger, &c. nor be deprived of life, liberty, or property, without due process of law," &c. The 7th amendment, looking to questions of property, even of trivial value, provides that "in suits at Common Law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved," &c. So that Congress has not power to pass a law, which shall deprive a person, accu-

sed of a criminal, or otherwise infamous offence, of his right of trial by jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, or in time of war, or public danger.

Even in relation to the land and naval forces, (including the militia when in actual service,) Congress have never considered the mere act of stamping on those bodies a military character, by ordering them to be raised, organized, and called into service, as being sufficient, of itself, to subject them to trial by Courts Martial, under the Rules and Articles of War; because this would be to abrogate a high constitutional privilege, by implication. In every instance, therefore, in which Congress have impressed a military character on any body of men, whom they intended to divest of the right of a trial by jury, besides the impressment of that military character, they have uniformly, and expressly declared, that they should be subject to the Rules and Articles of War. With a view to test the accuracy of this position, I have collated all the laws on the subject, to which I beg leave to refer you.

See the Resolve of the old Continental Congress, of the 12th of April, 1785, 1st volume of the laws of the United States, page 669, in a note. That of the same body, 3rd of October, 1787, pages 668, 669, and 670, concerning the military establishment; also the Act of the 29th of September, 1789, referring to the last mentioned Resolve, 2d volume of the laws of the United States, page 74, section 4. The Act of the 30th of April, 1790, for regulating the military establishment of the United States, section 13, 2d volume, page 102. The Act of the 3rd of March, 1791, for raising and adding another regiment, &c. section 10th, *idem*, page 234. The Act of the 5th of March, 1792, for making further and more effectual provision for the protection of the frontiers, section 11, *idem*, pages 257, 258. The Act of the 9th of May, 1794, providing for raising and organizing a corps of Artillerists and Engineers, section 4, *idem*, page 404. The Act of the 3rd of March, 1795, for continuing and regulating the military establishment of the United States, &c. section 14, *idem*, pages 490, 491. The Act of the 30th of May, 1796, to ascertain and fix the military establishment of the United States, section 20, *idem*, page 559. The Act of the 27th of April, 1798, to provide an additional regiment of Artillery and Engineers, section 2, 3rd volume, page 43. The Act of the 28th of May, 1798, authorizing the President to raise a provisional army, section 2, *idem*, page 50. The Act of the 16th of July, 1798, to augment the army of the United States, section 8, *idem*, page 108. The Act of the 2d of March, 1799, giving

eventual authority to the President to augment the army, section 3, *idem*, page 261. The Act of the 16th of March, 1802, fixing the military peace establishment of the United States, *idem*, page 453. The Act of the 28th of February, 1803, in addition to the Act last quoted, section 3, *idem*, page 531. The Act of the 2d of April, 1808, to raise, for a limited time, an additional military force, section 5, volume 4, page 163. The Act of the 8th of January, 1812, authorizing the President to raise certain companies of Rangers, for the protection of the frontier, section 4, *idem*, page 366. The Act of the 11th of January, 1812, to raise an additional military force, section 10, *idem*, page 367. The Act of the 8th of April, 1812, in addition to the Act to raise an additional military force, section 2, *idem*, page 404. The Act of the 16th of May, 1812, making further provision for the army of the United States, section 2, *idem*, page 433. The Act of the 29th of January, 1813, in addition to the Act entitled an Act to raise an additional military force, section, 6, *idem*, page 492. The Act of the 5th of July, 1813, to amend the Act in addition, &c. section 2, *idem*, page 541. The Act of the 28th of January, 1814, to cause certain Regiments to be enlisted for five years, section 2, *idem*, page 644. The Act of the 10th of February, 1814, to raise three Regiments of Riflemen, section 4, *idem*, page 645. The Act of the 27th of January, 1815, to authorize the President to accept the services of state troops, and of volunteers, section 1 & 4, *idem*, page 778. The Act of the 3rd of March, 1815, to fix the military peace establishment of the United States, section 7, *idem*, page 825. The Act of the 24th of April, 1816, for organizing the General Staff, and making further provision for the army, section 6. *Session Acts of 1815, 1816, pages 71, 72.*

On turning to these laws, it is remarkable, that in every instance, in which troops have been raised, or their number has been augmented by any accession, however trivial, or in which their number has been reduced to a peace establishment, or in which a new and distinct destination has been given to any portion of them, Congress has cautiously introduced a provision, that they shall be subject to the Rules and Articles of War; and what is still more remarkable is, that even after the general Act of 1806 had passed, declaring the Rules and Articles of War, and containing the permanent provision, that the armies of the United States should be subject to these Rules and Articles, Congress, not content to leave after-raised troops to the operation of that general provision, have, in every instance, repeated their subjection to military



law. A course of legislation, so long continued, and so uniform, marks the sacred respect, in which Congress have ever regarded the right of trial by jury, and will justify us, in assuming it, *as their sense*, that this right is never to be taken away by implication; never by the mere impressment of a military character on a body; *never without a positive provision to that effect.*

In relation to the Cadets at West Point, then, in order to prove their subjection to the Rules and Articles of War, and trials by Courts Martial, it is not enough to shew, that Congress has stamped on them a military character; for if we respect the opinion uniformly expressed by the practice of Congress, it must, also, be shewn to have been expressly provided, that those Cadets shall be subject to the Rules and Articles of War.

With these principles in view, I shall proceed to examine all the laws which bear on the question submitted, expressing my opinion on the legal construction, and operation of each law, as it occurs.

The *nucleus* of the military Institution at West Point was a corps of Engineers, raised under the Act of Congress of the 16th of March, 1802. Laws of the United States, volume 3rd, pages 456, 457, sections 26, 27, 28.

In order to apprehend more distinctly the intention of Congress in relation to this corps, it may not be amiss to examine the previous laws relative to the troops of this description, and to compare them with the two laws bearing directly on the question. Neither of the two Resolves of the old Congress, nor the Acts of 1789, 1790, before stated, say any thing of Engineers. The first time they are mentioned in our laws is the Act of the 9th of May, 1794, volume 2, page 403, entitled "An Act providing for raising and organizing a corps of *Artillerists and Engineers*," by which, seven hundred and sixty four non-commissioned officers and privates, &c. were directed to be engaged for three years, by voluntary enlistment, and incorporated with the previous corps of Artillery, then in the service of the United States, the joint body being thereafter to be denominated *The Corps of Artillerists and Engineers*; the entire number, exclusive of commissioned officers, being nine hundred and ninety two. By the third section of this law, the whole body was organized into four battalions, each battalion consisting of four

companies, and to each company were attached (among others) *two Cadets*, with the pay, clothing, and rations of sergeants. The 5th section made it the duty of the Secretary of War to provide, at the public expence, under the direction of the President, the necessary books, instruments, and apparatus, for the use of the Corps. The sixth section authorized the President to cause such proportion of the said Corps, as he should deem consistent with the public service, to serve in the field, on the frontiers, or in the fortifications on the sea coast. The fourth section *expressly provided*, that the whole body should be governed by the Rules and Articles of War, which have been, or may by law, be established.

Hence there is nothing in the character of the service, or the circumstance of their being *Cadets*, nor in that of their being furnished with the necessary books, instruments, and apparatus for study, which, at that time, was deemed sufficient to exempt Cadets, among the rest, from the operation of the Rules and Articles of War. The Act of the 3rd of March, 1795, continues this incorporation and organization of the Corps of Artillerists and Engineers, and in the 14th section repeats their subjection to the Rules and Articles of War. The Act of the 30th of May, 1796, makes no change in the situation of the corps of Artillerists and Engineers. The Act of the 27th of April, 1798, "to provide an additional Regiment of Artillerists and Engineers," directs that three battalions, of four companies each, be raised for this purpose, by enlistment for five years, unless sooner discharged, attaches two cadets to each company, directs the Secretary of War to furnish all necessary books, instruments, and apparatus, and in like manner subjects the whole corps to the Rules and Articles of War. The Act of the 16th of July, 1798, to augment the army of the United States, and for other purposes, after authorizing the raising and organization of twelve additional Regiments of Infantry, and six troops of light Dragoons, proceeds, in the 7th section, to authorize the President to appoint any number, not exceeding four teachers of the arts and sciences, necessary for the instruction of the Artillerists and Engineers, at the monthly pay of fifty dollars, and two rations per day. The 8th section subjects the *officers, non-commissioned officers and privates* raised by virtue of this Act, to the Rules and Articles of War; but does not embrace, in that provision, the teachers appointed by the President, unless they come under the denomination of *officers, non-commissioned officers, musicians, or privates*, which I do not think was intended; because the previous sections of the law sufficiently indicate who were meant by those terms.

Next in order comes the Act of the 16th of March, 1802, by which the establishment at West Point was created. As this Act bears directly on the subject of enquiry, it will be necessary to give it a more minute attention. It is entitled "*An Act fixing the military peace establishment of the United States,*" and the first section declares, "that after the first day of June next following the date of the Act, the military peace establishment of the United States, shall be composed of one Regiment of Artillerists, and two Regiments of Infantry, with such Officers, military Agents and *Engineers*, as are herein after mentioned." The second section is employed in organizing the Regiment of Artillerists, (not of the *Artillerists and Engineers*.) and the Regiments of Infantry; all the succeeding sections are confined, exclusively to those Regiments of Artillery and Infantry, (with the appendages of Paymasters, and military Agents, and their assistants, and of Surgeons, with their mates,) till we come down to section 9th, by which the President is required to cause to be arranged, the officers, non-commissioned officers, musicians and privates, of the several corps of troops, now in the service of the United States, in such manner, as to form and complete, out of the same, the corps aforesaid, (that is to say, the corps composed of the Regiment of Artillery, and two Regiments of Infantry,) and the next section, the 10th, provides, that the officers, non-commissioned officers musicians and privates, of the said corps, shall be governed by the Rules and Articles of War. This section, therefore, does not embrace the *Engineers*, of whom as yet nothing had been said. The sections succeeding the 10th are wholly employed, as the preceding ones had been, in regulations confined to the Regiments of Artillery and Infantry, till we come down to section 26th, when for the first time the subject of the *Engineers* is taken up. That section authorizes and empowers the President, *when he shall deem it expedient*, to organize and establish a corps of *Engineers*, to consist of one Engineer, with the pay, rank, and emoluments of a major; two assistant *Engineers*, with the rank, pay, and emoluments of captains; two other assistant *Engineers*, with the pay, rank, and emoluments of first lieutenants: two other assistant *Engineers*, with the pay, rank, and emoluments of second lieutenants, and *ten Cadets*, with the pay of sixteen dollars per month, and two rations per day; with the power to make promotions, so as not to exceed one colonel, one lieutenant colonel, two majors, four captains, four first lieutenants, and four second lieutenants, and so as that the corps shall, at no time, exceed twenty officers and cadets. The 27th section provides, that the *said Corps*, (composed solely of officers and cadets,) when

so organized, shall be stationed at West Point, in the state of New York, and constitute a *Military Academy*, and that the Engineers, assistant Engineers, and Cadets of the said corps, shall be subject, at all times, to do duty, in such places, and on such service, as the President of the United States shall direct. The 28th section assigns the Superintendence of the Academy to the principal Engineer; and authorizes the Secretary of War, under such regulations as the President should direct, to procure the necessary books, &c. for the use of the Institution. The 29th section is a repealing one, and here the law stops. There is no provision that this corps shall be subject to the Rules and Articles of War.

It is here worthy of observation, that this is the first time that a *separate Corps* of Engineers had been raised by our laws; that there is no other instance in the annals of Congress, in which a new description of troops has been authorized, without an express provision, that they shall be subject to the Rules and Articles of War; that in this very law, there is, in the preceding part of it, such a provision, *in relation to the Artillerists and Infantry*; which gives this omission, in regard to the Engineers, ten fold significance; and that although a military character has been impressed on their corps, as well by their name, as their being fixed as a part of the peace establishment, yet that character is, (comparatively speaking,) rather of an equivocal cast, whereas in every other case, when the most distinct and unequivocal military character has been impressed on a new raised corps, the provision, which is wanting here, has nevertheless been added. It seems to me very difficult to conceive, why in this identical law, it was thought necessary, that the provision should have been so expressly introduced as to the Regiment of Artillery and Infantry, (which were most clearly of an unequivocal military character,) and yet that it should have been so palpably omitted in relation to the Engineers, a new corps, who were constituted an Academy, and liable to military duty, only when called on by the President, unless Congress intended the exemption with regard to the latter corps. But whether they did in fact intend it or not, a review of all the analogous laws, which they have passed, the component parts of this very law, and the principle, that the trial by jury is not to be ousted by implication, do, in my opinion, justify the conclusion, that so far as the question rests on the Act of the 16th of March 1802, the members of this Military Academy, were not subject to the Rules and Articles of War.



Next in order follows the Act of the 25th of February, 1803, in addition to the preceding Act, in the 3rd volume of the Laws of the United States, page 530. The 1st section of this Act contains merely a provision, in relation to the Regiment of Artillerists. The 2d section authorizes the President to appoint one Teacher of the French language, and one Teacher of drawing, to be attached to the corps of Engineers, whose compensation shall not exceed the pay and emoluments of a captain in the line of the army. The 3rd section provides, that the commanding officer of the corps of Engineers be authorized *to enlist, for not less than three years*, one artificer and eighteen men, to aid in making practical experiments, and for other purposes; to receive the same pay, rations, and clothing, as are allowed to the artificers and privates in the army of the United States, and the same bounty, when enlisted for five years, and *to be subject to the Rules and Articles of War*. Who are to be so subject? Most clearly those who are the exclusive objects of the rest of the provisions in the section, to wit, the artificers and eighteen men. If it should be asked, what reason there can be, why these men should be more subject to the Rules and Articles of War, than the Engineers and Cadets, who had before constituted the corps? it would be sufficient to answer, that Congress have so provided; but it seems to me, that if it were necessary to assign a further reason, one might be found, without difficulty, on the different footing, in other respects, in which the two parts of this corps stand: For it is observable, that the Act of the 16th of March, 1802, does not require the Engineers and Cadets, to be *enlisted at all*, much less to be *enlisted for a particular time*. The language of this section is, that the President may, when he shall deem it expedient, *organize and establish a corps of Engineers*; not from the army, then on hand; for if it had been so intended, it would have been so expressed, as it was in the 9th section, of the Regiments of Artillerists and Infantry; but there is a further reason, why it could not have been intended to be drawn from the army then on hand; for by the 9th section of the law, all the officers and privates of that army, who were not taken into the Regiments of Artillerists and Infantry, were directed to be discharged, on the 18th of April, 1802, whereas the corps of Engineers were to be organized and established, whenever thereafter the President should deem it expedient. Were they to be drawn from the Regiments of Artillerists and Infantry, authorized by the previous sections of the Acts of 1802? It is not so said, and the inference is excluded by the precision, in point of number, and the compact and separate form, into which those Regiments had been previously organized. I understand the 26th section, then, as authorizing

the President to organize and establish this corps, by a new and original contract with the members who were to compose it. They were not then to be *enlisted*, but *engaged* for the price stipulated by law; it is not said for what length of time they were to be engaged, nor is it even said, that they were to be commissioned; they were rather an anomalous species of body, to be called into being whenever the President should deem it expedient, and to be formed into a School; an Academy for military instruction; whereas the artificers and eighteen men, here authorized are *enlisted for three years, and put, in all respects, on a footing with the artificers and privates of the army*. Why is the provision of subjection to the Rules and Articles of War, expressly made as to those men, and again omitted as to the Engineers and Cadets, as well as the teachers of French and drawing, here authorized, unless the omission was intended? Would it not be a most arbitrary construction to impute to Congress the intention to subject the original corps of Engineers, and the masters now added, to military law, when on two occasions, most obviously inviting them to the expression of that intention, if it existed, they should, nevertheless, decline that expression, and leave it to be gathered by inference, an inference too unwarranted by the whole course, in analogous cases? I cannot think that such an interpretation of the law would be sound; and therefore, *as yet*, I see nothing that subjects the Engineers, Cadets, and Teachers, at West Point, to the Rules and Articles of War. Before I leave this part of the subject, I will observe, that if I am wrong in supposing that the original corps of Engineers, at West Point, was not to be drawn, either from the existing army, or from the Regiments of Artillery and Infantry, which were thereafter to constitute the peace establishment of the United States; and if, on the contrary, they were (according to colonel Hindman's suggestion) to be drawn "from the different arms of the army," (composing the peace establishment, I suppose he meant,) it would not yet follow, that because while belonging to the Artillery and Infantry, they were subject to the Rules and Articles of War, they would, therefore, be subject, in their new character of Engineers: on the contrary, every inference would still follow from the very palpable omission of Congress so to subject them; and not to multiply instances of the manner in which Congress have legislated, in parallel cases, I will call your attention to one only; it is that which you will find in chapter 532, volume 4th, of the laws of the United States, page 541. This Act providing for the destination of a part of the troops authorized to be raised, by a previous law, (and by this previous law expressly subjected to martial law,) because it so far changes that destination from the gene-

ral purposes of war, as to limit it to the defence of the sea board, expressly repeats their subjection to the Rules and Articles of War, lest from the mere change of distinction, they should be considered as being absolved from the liability to those Rules and Articles under the original law.

We come, now, to the Act of the 10th of April, 1806, "for establishing Rules and Articles for the government of the armies of the United States." The 96th article of these Rules and Articles is in these words, "All officers, conductors, gunners, matrosses, drivers, or *other persons whatever*, receiving pay, or hire, in the service of the artillery, or *corps of Engineers*, of the United States, shall be governed by the aforesaid Rules and Articles, and shall be subject to be tried by Courts Martial, in like manner with the soldiers and officers of the other troops in the service of the United States." At the passage of this law, there was no corps of Engineers, except that at West Point, they must, therefore, have been intended; and this is rendered more clear by the consideration, that the article, in the old rules and articles, from which this is copied, has not the words "or corps of Engineers." See 181, Gray. Appendix, page 155, section 16, article 1. These words, therefore, being in the year 1806, for the first time interpolated by Congress, and there being no body to fit the description, except the corps of Engineers at West Point, I do not see how the conclusion can be fairly avoided, that it was intended to apply to them; they were a corps of Engineers; they received the pay of the United States; they were in the service of the United States, as much as any other troops on the peace establishment, and therefore, that corps, *and all other persons in its service*, now became subject to Martial Law; not only the Engineers, Cadets, Artificers, and eighteen privates, who constituted the corps, but the Masters or Teachers of French and drawing, *who were in the service of that corps*. So stood the law, when the Act of the 29th of April, 1812, was passed, entitled "An Act making further provision for the corps of Engineers." This Act, by the 1st section provides, that certain officers be added to the corps of Engineers, and that there be attached to this corps a company of Bombardiers, Sappers and Miners. The 2d section provides, that the *Military Academy shall consist of the corps of Engineers, (including, of course, the ten cadets, who had been originally attached to it, and who formed a part of it,) and certain new Professors, in addition to the Teachers of the French language and drawing, already provided*. I will merely remark, in passing, that these new Professors then attached to the corps of Engineers, come within the description of the 96th article



of the permanent Act of 1806, establishing the Rules and Articles of War, as persons receiving pay in the service of that corps. The 3rd section of the Act of 1812, provides that "*The Cadets heretofore appointed in the service of the United States, whether of Artillery, Cavalry, Riflemen, or Infantry, omitting in the enumeration those that had been theretofore appointed in the service of the Corps of Engineers, or that may in future be appointed, as hereafter provided, shall at no time exceed two hundred and fifty; that they may be attached, at the discretion of the President, to the Military Academy, and be subject to the established regulations thereof, that they shall be arranged into companies, &c.* The section, after going on to describe the discipline of the Cadets, proceeds to direct the manner of appointment, and qualifications of the Cadets, *thereafter to be appointed.*

If it were material to the decision of the question, which you have submitted to me, I should say, that I differed from colonel Hindman, and the Court Martial, in the opinion, that by the 3rd section the Cadets, who had been previously constituted a part of the corps of Engineers, were abolished, or amalgamated with the two hundred and fifty, authorized by that section to be attached to the Academy; for by the 2d section it is expressly declared, that the Military Academy shall consist of the corps of Engineers; that is the existing corps, expressly composed in part under the Act of 1802, of the ten cadets, who so far from being abolished, is hereby confirmed; and when you come to examine the component parts of the two hundred and fifty new cadets, who are authorized by the 3rd section, you will find no part of the description which applies to the ten cadets, who had been previously attached to the corps of Engineers; for these ten had not heretofore been appointed in the service of the United States, either of *Artillery, Cavalry, Riflemen, or Infantry*; the corps of Engineers having been, by the previous laws, erected into a corps *distinct from them all*, and known by a different name; nor were those ten cadets, already appointed, included in the only remaining part of the description of those "*who may in future be appointed, in the manner herein after provided.*" Whatever might have been the intention of Congress, it is very clear to my judgment, that they have, by this section, authorized the President to add to the establishment, two hundred and fifty Cadets, *exclusive of the ten, who had been already appointed, under the Act of 1802.* But to proceed directly to the point in question. The Cadets embraced in the 3rd section were to be attached, at the discretion of the President, to the Military Academy, and when so attached they were to be subject to the



*established regulations* thereof. What is the meaning of this phrase *attached to the Military Academy*? Does it mean the buildings in which the military art was taught? No, Congress have not left us in the dark on this point; they have expressly defined what they mean by the phrase "*the Military Academy*," by the 27th section of the Act of 1802, they have expressly declared that *the Corps of Engineers shall constitute this Military Academy*; and by the 2d section of the Act immediately under consideration, they have repeated "*That the Military Academy shall consist of the Corps of Engineers, &c.*" By attaching these Cadets, therefore, to the Military Academy, is clearly meant, *attaching them to the corps of Engineers, with their train of professors, who constitute that Academy*; and while so attached they compose a part of this corps; being thus identified with the Corps, if this were a case in which implication could be suffered to speak, it might be fairly held, that they became, by irresistible consequence, subject to all the laws which bound that Corps. Congress, however, with their habitual caution, have saved us the necessity of collecting their intention by inference, in this respect, by expressly declaring that the cadets thus attached to the pre-existing military body, known by the name of the *Military Academy*, should be subject to the *established regulations* of that body. What were these regulations? One of them was, (under the Act of 1802,) that that body should be subject to do such duty, in such places, and on such service, as the President should direct. Another was, (under the Act of 1806,) that that body should be subject to the Rules and Articles of War, and be subject to be tried by Courts Martial; and the section under consideration expressly declares, that the two hundred and fifty Cadets shall be *subject to the same regulations*.

It is said, however, by colonel Hindman, that the 96th article of the Rules and Articles of War embraces only the case of cadets, in the service of the Artillery, and corps of Engineers; and that these cadets, not being in the service of either of these corps, are not comprehended by that Article. In answer to this, it might be very fairly insisted, that those cadets, *after their attachment to the corps of Engineers*, come within the very description of the 96th article, being *persons who receive pay in the service of the corps of Engineers*: But let it be admitted, that the new cadets are not within the description of the 96th article; can it be denied, that the original body who composed the Military Academy, were within that description; for if *they* were, the Act of 1812 places the new cadets precisely on the same footing, *by subjecting them expressly the same established regulations*.

Lest it should be thought, that this phrase, *established regulations*, has a narrower sense than that which I have assigned to it; that it allows, for example, to the allotment for the hours of study, for exercise, for relaxation and refreshment, &c. It may not be amiss to observe, "that the same rules and regulations" are the very terms employed by Congress, in parallel cases, with an unquestionable reference to a subjection to Martial Law. In support of this, see chapter 376, section 2, volume 4, page 405; chapter 532, section 2, page 541. In chapter 599, section 4, volume 4, page 645, the phrase here is, that the new troops *shall be placed, in every respect, on the same footing as the other regular troops of the United States*. But if this phrase, "established regulations," is to have the restricted sense which I have supposed, then the new cadets are not subject to do duty, where, and when, and how, the President may direct. The construction which would subject them to do duty cannot fairly avoid the other.

It is suggested, by colonel Hindman, on behalf of the Court Martial, that these Cadets are merely students: In one sense they are so, and so was the old corps, known under the name of Artillerists and Engineers; so was the original corps of Engineers, who constituted the Military Academy; for both, "books, instruments, and apparatus for study," were expressly provided by law; yet this character of students did not exempt them from liability to Martial Law. But if the suggestion is intended to place Cadets on the footing of civil students, clothed with all their civil privileges and immunities, it is proper to remark, that those Cadets occupy a very different ground—they are enlisted soldiers—they engage like soldiers to serve five years, unless sooner discharged—they receive the pay, rations, and emoluments of sergeants—they are bound to perform military duty, in such places, and on such service, as the Commander in Chief of the army of the United States shall order, and finally, by the Act of the 3rd of March, 1815, fixing "the military peace establishment of the United States," the corps to which they are attached, and of which they form a part, is expressly recognized as a Part of that military establishment. See the Act in the 4th volume of the Laws of the United States, page 825.

I have given you all this trouble, sir, from my respect for the Court Martial, with whom I have been obliged to differ, as well as from the real delicacy, and importance of the question. And after every allowance for the genius of our Constitution and Laws, and after rejecting every thing like implication and inference from the consideration of



this question, I come to the conclusion, that the Corps at West Point form a part of the land forces of the United States, and have been constitutionally subjected, by Congress, to the Rules and Articles of War, and to trial by Courts Martial.

I have the honor to be, sir, with the greatest respect,  
your obedient servant.

WILLIAM WIRT.

*To the Honorable JOHN C. CALHOUN, Secretary of War.*

( L. )

ADJUTANT AND INSPECTOR GENERAL'S OFFICE, }  
10th of November, 1819. }

### GENERAL ORDERS.

The President having considered the proceedings of the General Court-Martial which, by his order, of the 23d of September last, was reassembled at West-Point, to proceed in the trial of Thomas Ragland, W. M. C. Fairfax, N. H. Loring, Charles Vining, and C. R. Holmes, Cadets of the Military Academy, disapproves the decision of the Court, in declaring that its jurisdiction was not competent to the trial of Cadets, and orders it to be dissolved.

The President is of opinion, that the Professors, Teachers, and Cadets, are governed by the Rules and Articles of War, although the Institution is intended for instruction, and is preparatory for Military promotion, it is nevertheless evidently governed by Martial Law.

He disapproves also, the conduct of the Cadets in the instances stated by the Secretary of War, in his letter of the 15th of January last, to major Thayer, which, with this order, he directs to be read by the major to the Officers of the station, the Professors, Teachers, and Cadets, who are to be further assembled for the purpose.

If Military orders are not promptly obeyed, all discipline is at an end. And if any order is supposed to impose onerous conditions, the objections to it will always be heard, and will have more weight when urged by a Cadet, giving proof of his obedience to the order, and of his attachment to discipline.

In consideration, however, of the long suspension of the Cadets, which, from their age, has operated as a severe penalty, he orders that


their suspension be removed, and that they be restored to the Academy. He adopts this measure in the expectation that these young men will by their future conduct give such an example of obedience to orders, and of discipline, as to meet the approbation of the Executive.

*By order,*

D. PARKER,

*Adj't. and Insp't. General.*



 In consequence of the unmerited severities imposed by this last order upon Messrs. FAIRFAX, RAGLAND, VINING, LORING, and HOLMES, and also from the approval, which it contains, of those measures and abuses, which formed the subjects against which the Cadets complained, Mess. Fairfax, &c. forwarded, a few weeks since, their resignations to Washington. They have been accepted.

*Dec. 16th, 1819.*

FINIS.